

By: Tinderholt

H.B. No. 86

A BILL TO BE ENTITLED

AN ACT

relating to prohibited COVID-19 vaccine passports; providing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 161.0085, Health and Safety Code, is amended to read as follows:

Sec. 161.0085. COVID-19 VACCINE PASSPORTS PROHIBITED; CIVIL PENALTY.

SECTION 2. Section 161.0085, Health and Safety Code, is amended by amending Subsections (c), (d), and (e) and adding Subsections (c-1) and (f) to read as follows:

(c) A business in this state may not require a customer or an employee of the business to provide any documentation certifying the customer's or employee's COVID-19 vaccination or post-transmission recovery on entry to, to gain access to, [~~or~~] to receive service from, or to be employed by the business. A business that fails to comply with this subsection is not eligible to receive a grant or enter into a contract payable with state funds.

(c-1) A public or private primary or secondary school in this state may not require a student to provide documentation certifying the student's COVID-19 vaccination or post-transmission recovery for entry or admission to the school. A public or private primary or secondary school in this state that fails to comply with this subsection is not eligible to receive a grant or enter into a

1 contract payable with state funds.

2 (d) Notwithstanding any other law, each appropriate state
3 agency shall ensure that businesses in this state comply with
4 Subsection (c) and ~~may~~ require compliance with that subsection as
5 a condition for a license, permit, or other state authorization
6 necessary for conducting business in this state.

7 (e) This section may not be construed to:

8 (1) restrict a business or public or private primary
9 or secondary school from implementing COVID-19 screening and
10 infection control protocols for customers or students, as
11 applicable, in accordance with authoritative or controlling
12 government-issued guidance [~~state and federal law~~] to protect
13 public health; or

14 (2) interfere with an individual's right to access the
15 individual's personal health information under federal law.

16 (f) A governmental entity, business, or public or private
17 primary or secondary school that violates this section is liable to
18 this state for a civil penalty in an amount not to exceed \$5,000 for
19 each violation. The attorney general may bring an action to collect
20 the civil penalty imposed under this subsection.

21 SECTION 3. Section 161.0085, Health and Safety Code, as
22 amended by this Act, applies only to conduct that occurs on or after
23 the effective date of this Act. Conduct that occurs before the
24 effective date of this Act is governed by the law in effect
25 immediately before the effective date of this Act, and the former
26 law is continued in effect for that purpose.

27 SECTION 4. This Act takes effect February 1, 2022.