

By: Middleton

H.B. No. 134

A BILL TO BE ENTITLED

AN ACT

relating to exemptions from certain vaccination requirements.

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

SECTION 1. Chapter 21, Labor Code, is amended by adding Subchapter H-1 to read as follows:

SUBCHAPTER H-1. DISCRIMINATION BASED ON EXEMPTION FROM REQUIRED COVID-19 VACCINATION

Sec. 21.421. DEFINITION. In this subchapter, "COVID-19" means the 2019 novel coronavirus disease, SARS-CoV-2, and any mutations identified following the initial virus identification.

Sec. 21.422. EXEMPTION FROM REQUIRED COVID-19 VACCINATION. An employer, labor organization, employment agency or company shall allow an individual to claim an exemption from a required COVID-19 vaccination based on a medical condition, reasons of conscience, a religious belief, a disability or other status identified by the Texas Commission on Human Rights Act, or previous recovery and immunity to COVID-19 as evidenced by the detection of antibodies for COVID-19.

Sec. 21.423. PROHIBITED DISCRIMINATION BASED ON EXEMPTION FROM REQUIRED COVID-19 VACCINATION. (a) An employer commits an unlawful employment practice if the employer fails or refuses to hire, discharges, or otherwise discriminates against an individual with respect to the compensation or the terms, conditions, or privileges of employment because the individual claims an exemption

1 described by Section 21.422.

2 (b) A labor organization commits an unlawful employment  
3 practice if the labor organization excludes or expels from  
4 membership or otherwise discriminates against an individual  
5 because the individual claims an exemption described by Section  
6 21.422.

7 (c) An employment agency commits an unlawful employment  
8 practice if the employment agency classifies or refers for  
9 employment, fails or refuses to refer for employment, or otherwise  
10 discriminates against an individual because the individual claims  
11 an exemption described by Section 21.422.

12 (d) A company that contracts with a contractor to perform  
13 work or provide a service commits an unlawful employment practice  
14 if the company excludes, expels, disqualifies or otherwise  
15 discriminates against an individual, whom the contractor employs,  
16 that claims an exemption described by Section 21.422.

17 Sec. 21.424. COVID-19 VACCINATION EXEMPTION AFFIDAVIT  
18 FORM. (a) An employee claiming an exemption from a required  
19 COVID-19 vaccination must complete and provide to the employee's  
20 employer an affidavit on a form described by Subsection (e) stating  
21 the reason for the exemption.

22 (b) The affidavit must be signed by the employee claiming  
23 the exemption or, if the employee is a minor, the employee's parent,  
24 managing conservator, or guardian, and the affidavit must be  
25 notarized.

26 (c) On request of an employee, an employer shall provide to  
27 the employee a blank copy of the vaccination exemption affidavit

1 form described by Subsection (e).

2 (d) On receipt of an employee's signed and notarized  
3 affidavit claiming the exemption, the employer shall exempt the  
4 employee from receiving a required COVID-19 vaccination.

5 (e) The commission shall develop and make available on the  
6 commission's Internet website a blank affidavit form to be used by  
7 an employee who claims an exemption from a required COVID-19  
8 vaccination. The content of the affidavit form must be the same or  
9 substantially similar to the affidavit form developed under Section  
10 161.0041, Health and Safety Code, except that the form is not  
11 required to contain a seal or other security device under  
12 Subsection (d) of that section.

13 SECTION 2. Section 224.002(c), Health and Safety Code, is  
14 amended to read as follows:

15 (c) The policy must [~~may~~] include procedures for a covered  
16 individual to be exempt from the required vaccines based on reasons  
17 of conscience, including a religious belief.

18 SECTION 3. The change in law made by this Act applies only  
19 to an unlawful employment practice that occurs on or after the  
20 effective date of this Act.

21 SECTION 4. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect on the 91st day after the last day of the  
26 legislative session.