

By: Harris

H.B. No. 137

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a prohibition on certain companies that receive
3 governmental contracts or financial benefits from requiring
4 employees to receive a COVID-19 vaccination; authorizing a civil
5 penalty.

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

7 SECTION 1. Subtitle F, Title 10, Government Code, is
8 amended by adding Chapter 2278 to read as follows:

9 CHAPTER 2278. CERTAIN MANDATORY VACCINATIONS PROHIBITED

10 Sec. 2278.001. DEFINITIONS. In this chapter:

11 (1) "Company" has the meaning assigned by Section
12 808.001.

13 (2) "COVID-19" means the 2019 novel coronavirus
14 disease.

15 (3) "Listed financial benefit" means a financial
16 benefit listed by rule adopted under Section 2278.002(2).

17 (4) "Political subdivision" means a county,
18 municipality, school district, special purpose district, or other
19 subdivision of state government that has jurisdiction limited to a
20 geographic portion of the state.

21 (5) "State agency" has the meaning assigned by Section
22 609.001.

23 (6) "Tax preference" means a credit, discount,
24 exclusion, exemption, refund, special valuation, special

1 accounting treatment, special rate, or special method of reporting
2 authorized by state law that relates to a state or local tax imposed
3 in this state.

4 Sec. 2278.002. LISTED FINANCIAL BENEFITS. The comptroller
5 shall:

6 (1) identify each financial benefit, other than a
7 contract, offered by a state agency or political subdivision to a
8 company that is organized or doing business in this state,
9 including a grant, low-interest loan, tax preference, or other
10 financial incentive; and

11 (2) by rule adopt a list of each financial benefit
12 identified under Subdivision (1).

13 Sec. 2278.003. MANDATORY VACCINATION BY COMPANY RECEIVING
14 LISTED FINANCIAL BENEFIT PROHIBITED. A company that receives a
15 listed financial benefit may not require, as a condition of
16 employment, an employee to receive a COVID-19 vaccination.

17 Sec. 2278.004. ENFORCEMENT; CIVIL PENALTY FOR VIOLATION BY
18 COMPANY. (a) A company that violates Section 2278.003 is liable to
19 this state for a civil penalty in the amount of \$5,000 for each
20 violation. Each day a violation continues is considered a separate
21 violation for purposes of this subsection.

22 (b) A resident of this state may file a complaint with the
23 attorney general alleging that a company is in violation of Section
24 2278.003. The resident must include with the complaint a signed
25 statement describing the violation.

26 (c) If, based on an investigation, the attorney general
27 determines that a violation of Section 2278.003 has occurred, the

1 attorney general shall provide the company with a written notice
2 that:

3 (1) describes the violation;

4 (2) states the amount of the proposed civil penalty
5 for the violation; and

6 (3) requires the company to cure the violation on or
7 before the seventh day after the date the notice is received to
8 avoid the civil penalty.

9 (d) If a company does not cure the violation on or before the
10 seventh day after the date notice under Subsection (c) is received,
11 the attorney general may sue to collect the civil penalty.

12 (e) A suit or petition under this section may be filed in a
13 district court in Travis County.

14 (f) The attorney general may recover reasonable expenses
15 incurred in obtaining relief under this section, including court
16 costs, reasonable attorney's fees, investigative costs, witness
17 fees, and deposition costs.

18 Sec. 2278.005. PROVISION REQUIRED IN CONTRACT. A state
19 agency or political subdivision may not enter into a contract with a
20 company for goods or services unless the contract contains a
21 written verification from the company that it does not, and will not
22 during the term of the contract, require, as a condition of
23 employment, an employee to receive a COVID-19 vaccination.

24 SECTION 2. The comptroller of public accounts shall adopt
25 the list described by Section 2278.002, Government Code, as added
26 by this Act, not later than February 1, 2022.

27 SECTION 3. Section 2278.005, Government Code, as added by

1 this Act, applies only to a contract for which a state agency or
2 political subdivision first advertises or otherwise solicits bids,
3 proposals, offers, or qualifications or makes a similar
4 solicitation on or after the effective date of this Act. A contract
5 for which a state agency or political subdivision first advertises
6 or otherwise solicits bids, proposals, offers, or qualifications or
7 makes a similar solicitation before that date is governed by the law
8 in effect on the date the advertisement or solicitation is made, and
9 the former law is continued in effect for that purpose.

10 SECTION 4. This Act takes effect on the 91st day after the
11 last day of the legislative session.