

By: Toth

H.B. No. 170

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to protecting the medical freedom and bodily autonomy of  
3 employees with respect to immunization or vaccination status.

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

5 SECTION 1. The legislature finds that:

6 (1) the emergence of the COVID-19 pandemic and  
7 corresponding vaccines utilizing new mRNA technology has brought  
8 the question of personal bodily autonomy to the forefront of our  
9 national and state dialogue;

10 (2) the recently implemented COVID-19 passport  
11 protections extend only to patrons of businesses and not employees;

12 (3) the arguments in defense of customers'  
13 right-of-access to establishments, goods, and services accompanied  
14 by a freedom to move about unhindered may also be applied to  
15 protecting an individual from being made to choose between  
16 continued employment or taking a vaccine which gives them concerns  
17 due to medical reasons or reasons of conscience;

18 (4) a primary role of our government is to protect  
19 individual liberties, among which medical freedom and bodily  
20 autonomy are certainly numbered;

21 (5) employers are not otherwise prevented in Texas  
22 statute from implementing safety precautions for their employees  
23 and customers apart from COVID-19 vaccinations;

24 SECTION 2. Chapter 21, Labor Code, is amended by adding

1 Subchapter H-1 to read as follows:

2 SUBCHAPTER H-1. DISCRIMINATION BASED ON IMMUNIZATION OR  
3 VACCINATION STATUS

4 Sec. 21.421. PROHIBITED DISCRIMINATION BASED ON  
5 IMMUNIZATION OR VACCINATION STATUS. (a) An employer commits an  
6 unlawful employment practice if the employer fails or refuses to  
7 hire, discharges, or otherwise discriminates against an individual  
8 with respect to the compensation or the terms, conditions, or  
9 privileges of employment because the individual has not received a  
10 COVID-19 vaccine.

11 (b) A labor organization commits an unlawful employment  
12 practice if the labor organization excludes or expels from  
13 membership or otherwise discriminates against an individual  
14 because the individual has not received a COVID-19 vaccine.

15 (c) An employment agency commits an unlawful employment  
16 practice if the employment agency classifies or refers for  
17 employment, fails or refuses to refer for employment, or otherwise  
18 discriminates against an individual because the individual has not  
19 received a COVID-19 vaccine.

20 SECTION 2. The following provisions are repealed:

21 (1) Chapter 224, Health and Safety Code; and

22 (2) Section 42.04305, Human Resources Code.

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

26 SECTION 4. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect on the 91st day after the last day of the  
4 legislative session.