

By: Hall

S.B. No. 11

A BILL TO BE ENTITLED

AN ACT

relating to prohibited vaccination status discrimination and requirements for certain vaccination policies.

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

SECTION 1. Section 161.0085, Health and Safety Code, as added by S.B. No. 968, Acts of the 87th Legislature, Regular Session, 2021, is amended by adding Subsection (b-1) and amending Subsection (e) to read as follows:

(b-1) A governmental entity in this state may not require an individual to provide any documentation certifying the individual's COVID-19 vaccination or post-transmission recovery on entry to, to gain access to, or to receive service from the governmental entity.

(e) This section may not be construed to:

(1) restrict a business or governmental entity from implementing COVID-19 screening and infection control protocols in accordance with state and federal law to protect public health; or

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

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

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

1 SECTION 3. Chapter 21, Labor Code, is amended by adding  
2 Subchapter H-1 to read as follows:

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

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

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

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

21 SECTION 4. Subchapter H-1, Chapter 21, Labor Code, as added  
22 by this Act, applies only to an unlawful employment practice that  
23 occurs on or after the effective date of this Act.

24 SECTION 5. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect on the 91st day after the last day of the  
2 legislative session.