

By: Paxton

S.B. No. 35

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.

Sec. 21.422. EXEMPTION FROM REQUIRED COVID-19 VACCINATION. An employer, labor organization, or employment agency shall allow an individual to claim an exemption from a required COVID-19 vaccination based on a medical condition or reasons of conscience, including a religious belief.

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 described by Section 21.422.

(b) A labor organization commits an unlawful employment practice if the labor organization excludes or expels from membership or otherwise discriminates against an individual

1 because the individual claims an exemption described by Section  
2 21.422.

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

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

13 (b) The affidavit must be signed by the employee claiming  
14 the exemption or, if the employee is a minor, the employee's parent,  
15 managing conservator, or guardian, and the affidavit must be  
16 notarized.

17 (c) On request of an employee, an employer shall provide to  
18 the employee a blank copy of the vaccination exemption affidavit  
19 form described by Subsection (e).

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

23 (e) The commission shall develop and make available on the  
24 commission's Internet website a blank affidavit form to be used by  
25 an employee who claims an exemption from a required COVID-19  
26 vaccination. The content of the affidavit form must be the same or  
27 substantially similar to the affidavit form developed under Section

1 161.0041, Health and Safety Code, except that the form is not  
2 required to contain a seal or other security device under  
3 Subsection (d) of that section.

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

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

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

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