

By: Hall

S.B. No. 36

A BILL TO BE ENTITLED

AN ACT

relating to prohibitions on the use of state money to enforce federal vaccine or treatment mandates and on required COVID-19 vaccinations.

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

SECTION 1. Subchapter A, Chapter 161, Health and Safety Code, is amended by adding Section 161.0065 to read as follows:

Sec. 161.0065. PROHIBITION ON USE OF STATE MONEY TO ENFORCE FEDERAL VACCINE OR TREATMENT MANDATES. (a) In this section, "governmental entity" means this state, a political subdivision of this state, or an agency of this state or a political subdivision of this state. The term includes an institution of higher education as defined by Section 61.003, Education Code.

(b) A governmental entity or a private entity that receives money from this state may not use state money or any other state resource to enforce a federal statute, order, rule, or regulation mandating vaccines or other invasive health care treatments.

SECTION 2. Chapter 52, Labor Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. RESTRICTIONS ON COVID-19 VACCINATIONS

Sec. 52.081. DEFINITIONS. In this subchapter:

(1) "COVID-19" means the 2019 novel coronavirus disease.

(2) "Employer" means a person who employs one or more

1 employees.

2 (3) "Governmental entity" means this state, a
3 political subdivision of this state, or an agency of this state or a
4 political subdivision of this state. The term includes an
5 institution of higher education as defined by Section 61.003,
6 Education Code.

7 Sec. 52.082. PROHIBITION ON REQUIRED COVID-19 VACCINATIONS
8 AND RELATED ENFORCEMENT. (a) An employer is not required to comply
9 with a federal statute, order, rule, or regulation mandating
10 employer-required COVID-19 vaccinations if that vaccination
11 requirement does not exist under the laws of this state.

12 (b) A governmental entity or person employed by or otherwise
13 under the direction or control of the entity may not enforce or
14 attempt to enforce any federal statute, order, rule, or regulation
15 described by Subsection (a).

16 SECTION 3. Any federal statute, order, rule, regulation,
17 treaty, or court decision that purports to supersede, stay, or
18 overrule this Act is in violation of the Texas Constitution and the
19 United States Constitution and is therefore void. The State of
20 Texas, a governmental entity of this state, and any agent of this
21 state or a governmental entity of this state may, but is not
22 required to, enter an appearance, special or otherwise, in any
23 federal suit challenging this Act.

24 SECTION 4. 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.