

By: Eckhardt, et al.

S.B. No. 53

A BILL TO BE ENTITLED

AN ACT

relating to the authority of local governmental entities to mandate COVID-19 vaccinations for entity employees.

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 161.0055 to read as follows:

Sec. 161.0055. LOCAL GOVERNMENTAL ENTITY AUTHORITY TO MANDATE COVID-19 VACCINATIONS FOR ENTITY EMPLOYEES. (a) In this section:

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

(2) "Local governmental entity" has the meaning assigned by Section 554.001, Government Code.

(b) Notwithstanding any other law, a local governmental entity may, as a condition of employment, require an entity employee to provide to the entity in the form and manner prescribed by the entity documentation of the employee's COVID-19 vaccination, including any recommended booster dose of the vaccine.

(c) A local governmental entity that requires an entity employee to be vaccinated against COVID-19 under Subsection (b) shall allow the employee to claim an exemption from the required vaccination based on a medical condition or a religious belief if the employee submits to the entity on the form prescribed under Subsection (d):

1 (1) an affidavit signed by a physician who is duly
2 registered and licensed to practice medicine in the United States
3 stating that, in the physician's opinion, the required vaccination
4 poses a significant risk to the employee's health; or

5 (2) an affidavit signed by the employee or, if the
6 employee is a minor, by the employee's parent or guardian stating
7 that the employee declines immunization for a specified and
8 verifiable religious-based reason and that the immunization
9 conflicts with the tenets and practices of a recognized church or
10 religious denomination of which the employee is an adherent or
11 member.

12 (d) The Texas Workforce Commission shall develop and make
13 available on the workforce commission's Internet website blank
14 affidavit forms to be used by an employee who claims an exemption
15 from a required COVID-19 vaccination under Subsection (c).

16 (e) An executive order, proclamation, or regulation issued
17 under Chapter 418, Government Code, may not suspend, limit, or
18 alter this section or an employment condition established by a
19 local governmental entity under this section.

20 SECTION 2. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect on the 91st day after the last day of the
25 legislative session.