

Amend SB 7 (senate committee report) in SECTION 1 of the bill as follows:

(1) Immediately following added Section 81D.003, Health and Safety Code (page 1, between lines 46 and 47), insert the following section to proposed Chapter 81D, Health and Safety Code:

Sec. 81D.0035. ADVERSE ACTION EXCEPTION FOR CERTAIN HEALTH CARE FACILITIES, HEALTH CARE PROVIDERS, AND PHYSICIANS. (a) In this section:

(1) "Health care facility" means a facility that is a provider of services, as defined by Section 1861, Social Security Act (42 U.S.C. Section 1395x).

(2) "Health care provider" and "physician" have the meanings assigned by Section 74.001, Civil Practice and Remedies Code.

(b) A health care facility, health care provider, or physician may establish and enforce a reasonable policy requiring the use of protective medical equipment by an individual who is a an employee or contractor of the facility, provider, or physician and who is not vaccinated against COVID-19 based on the level of risk the individual presents to patients from the individual's routine and direct exposure to patients.

(c) Establishing or enforcing a policy described by Subsection (b) is not considered an adverse action under this chapter.

(2) In added Section 81D.005(a), Health and Safety Code (page 2, lines 4 and 5), strike "The attorney general may" and substitute "On receipt of a complaint filed under Section 81D.004, the commission may request that the attorney general".

(3) In added Section 81D.006, Health and Safety Code (page 2, line 14), between "PENALTY." and "The", insert "(a)".

(4) In added Section 81D.006, Health and Safety Code (page 2, line 16), strike "\$1,000" and substitute "\$10,000".

(5) Add the following subsection to added Section 81D.006, Health and Safety Code (page 2, between lines 25 and 26):

(b) If, following an investigation under Section 81D.004, the commission determines that the employer violated this chapter, the commission may recover from the employer reasonable

investigative costs incurred by the commission in conducting the investigation, regardless of whether the employer has taken an action described by Subsection (a)(1) or (2).

(6) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared severable.