

BILL ANALYSIS

Senate Research Center
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S.B. 7
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Health & Human Services
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Since the start of the COVID-19 pandemic, a number of employers have implemented policies requiring the COVID-19 vaccine as a condition of employment. Concerns over the experimental nature and effectiveness of the vaccine have drawn criticism, causing many Texans to refuse to receive the vaccine altogether.

Employer-implemented COVID-19 vaccine requirements leave workers with the choice of adhering to their sincere beliefs or continuing to work and provide for their families. Individuals should be able to make personal medical decisions without fear of retribution from their employer.

S.B. 7 prevents employers in Texas from adopting a policy requiring the COVID-19 vaccine as a condition of employment. S.B. 7 also prevents an employer from taking an adverse action against an employee, contractor, or applicant for employment or applicant for a contract position for their refusal to receive the COVID-19 vaccine.

Under S.B. 7, employees who are subject to prohibited COVID-19 vaccine mandates or face adverse actions from their employers may submit complaints to the Texas Workforce Commission (TWC). TWC will be empowered to investigate allegations and issue fines up to \$1,000 for each violation, unless the employee is reinstated or the adverse action is corrected by the employer. Further, the attorney general may seek injunctive relief, and courts will be authorized to take steps to prevent repeat violations.

As proposed, S.B. 7 amends current law relating to prohibiting an employer from adopting or enforcing certain COVID-19 vaccine mandates and authorizes an administrative penalty.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Workforce Commission in SECTION 1 (Section 81D.004, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle D, Title 2, Health and Safety Code, by adding Chapter 81D, as follows:

CHAPTER 81D. PROHIBITED CORONAVIRUS VACCINE MANDATES BY EMPLOYER

Sec. 81D.001. DEFINITIONS. Defines "adverse action," "commission," "COVID-19," and "employer."

Sec. 81D.002. EMPLOYER CORONAVIRUS VACCINE MANDATES PROHIBITED. Prohibits an employer from adopting or enforcing a mandate requiring an employee, contractor, applicant for employment, or applicant for a contract position to be vaccinated against COVID-19 as a condition of employment or a contract position.

Sec. 81D.003. PROHIBITED ADVERSE ACTION BY EMPLOYER. Prohibits an employer from taking an adverse action against an employee, contractor, applicant for employment, or applicant for a contract position for a refusal to be vaccinated against COVID-19.

Sec. 81D.004. COMPLAINT; INVESTIGATION. (a) Authorizes an employee, contractor, applicant for employment, or applicant for a contract position against whom an employer took an adverse action in violation of this chapter to file a complaint with the Texas Workforce Commission (TWC) in the form and manner prescribed by TWC rules.

(b) Requires that a complaint filed with TWC include the following information:

(1) the name of the complainant;

(2) the name of the employer; and

(3) the nature and description of any alleged adverse action the employer took against the complainant.

(c) Requires TWC, on receipt of a complaint under Subsection (a), to conduct an investigation to determine whether the employer took an adverse action against the complainant because of the complainant's refusal to be vaccinated against COVID-19.

(d) Requires TWC to adopt rules prescribing the procedures for accepting complaints and conducting investigations under this section.

Sec. 81D.005. INJUNCTIVE RELIEF. (a) Authorizes the attorney general to bring an action for injunctive relief against the employer to prevent further violations of this chapter by the employer. Requires that the action be filed in a district court in:

(1) Travis County; or

(2) the county in which the alleged adverse action occurred.

(b) Authorizes a court, in an injunction issued under Subsection (a), to include reasonable requirements to prevent further violations of this section.

Sec. 81D.006. ADMINISTRATIVE PENALTY. Authorizes TWC to impose on an employer who violates this chapter an administrative penalty of not more than \$1,000 for each violation, unless the employer, as applicable:

(1) hires the applicant for employment or offers a contract to the applicant for a contract position; or

(2) reinstates the employee or contractor and provides the employee or contractor with back pay from the date the employer took the adverse action and makes every reasonable effort to reverse the effects of the adverse action, including reestablishing employee benefits for which the employee or contractor otherwise would have been eligible if the adverse action had not been taken.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or the 91st day after the last day of the legislative session.