By:  Middleton, et al. S.B. No. 7

(In the Senate - Filed October 9, 2023; October 9, 2023, read first time and referred to Committee on Health & Human Services; October 10, 2023, reported favorably by the following vote: Yeas 6, Nays 3; October 10, 2023, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Kolkhorst         X

Perry             X

Blanco                X

Hall              X

Hancock           X

Hughes            X

LaMantia              X

Miles                 X

Sparks            X

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting an employer from adopting or enforcing certain COVID-19 vaccine mandates; authorizing an administrative penalty.

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

SECTION 1.  Subtitle D, Title 2, Health and Safety Code, is amended by adding Chapter 81D to read as follows:

CHAPTER 81D. PROHIBITED CORONAVIRUS VACCINE MANDATES BY EMPLOYER

Sec. 81D.001.  DEFINITIONS. In this chapter:

(1)  "Adverse action" means an action taken by an employer that a reasonable person would consider was for the purpose of punishing, alienating, or otherwise adversely affecting an employee, contractor, applicant for employment, or applicant for a contract position.

(2)  "Commission" means the Texas Workforce Commission.

(3)  "COVID-19" means the 2019 novel coronavirus disease and any variants of the disease.

(4)  "Employer" means a person who employs one or more employees.

Sec. 81D.002.  EMPLOYER CORONAVIRUS VACCINE MANDATES PROHIBITED. An employer may not adopt or enforce 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. An employer may not take 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) 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 may file a complaint with the commission in the form and manner prescribed by commission rules.

(b)  A complaint filed with the commission must 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)  On receipt of a complaint under Subsection (a), the commission shall 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)  The commission shall adopt rules prescribing the procedures for accepting complaints and conducting investigations under this section.

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

(1)  Travis County; or

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

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

Sec. 81D.006.  ADMINISTRATIVE PENALTY. The commission may 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.  The change in law made by this Act applies only to conduct or an adverse action that occurs on or after the effective date of this Act.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.

\* \* \* \* \*