By:  Harrison H.B. No. 34

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1.  Section 81D.001, Health and Safety Code, is amended to read as follows:

(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~~] a person.

SECTION 2.  Section 81D.002, Health and Safety Code, is amended to read as follows:

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~~] requiring a person to be vaccinated against COVID-19 for any reason, including as a condition of employment, [~~or~~] a contract position, or admission.

SECTION 3.  Section 81D.003, Health and Safety Code, is amended to read as follows:

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~~] a person for a refusal to be vaccinated against COVID-19.

SECTION 4.  Section 81D.004, Health and Safety Code, is amended to read as follows:

Sec. 81D.004.  COMPLAINT; INVESTIGATION. (a) [~~An employee, contractor, applicant for employment, or applicant for a contract position~~] A person 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.

SECTION 5.  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 6.  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.

SECTION 7.  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.