

By: Harrison

H.B. No. 34

A BILL TO BE ENTITLED

1 AN ACT
2 relating to prohibiting a private employer from adopting or
3 enforcing COVID-19 vaccine mandates; authorizing an administrative
4 penalty.

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

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

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

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

15 Sec. 81D.002. EMPLOYER CORONAVIRUS VACCINE MANDATES
16 PROHIBITED. An employer may not adopt or enforce a mandate
17 ~~[requiring an employee, contractor, applicant for employment, or~~
18 ~~applicant for a contract position to be vaccinated against~~
19 ~~COVID-19]~~ requiring a person to be vaccinated against COVID-19 for
20 any reason, including as a condition of employment, ~~or~~ a contract
21 position, or admission.

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

24 Sec. 81D.003. PROHIBITED ADVERSE ACTION BY EMPLOYER. An

1 employer may not take an adverse action against [~~an employee,~~
2 ~~contractor, applicant for employment, or applicant for a contract~~
3 ~~position~~] a person for a refusal to be vaccinated against COVID-19.

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

6 Sec. 81D.004. COMPLAINT; INVESTIGATION. (a) [~~An employee,~~
7 ~~contractor, applicant for employment, or applicant for a contract~~
8 ~~position~~] A person against whom an employer took an adverse action
9 in violation of this chapter may file a complaint with the
10 commission in the form and manner prescribed by commission rules.

11 SECTION 5. The change in law made by this Act applies only
12 to conduct or an adverse action that occurs on or after the
13 effective date of this Act.

14 SECTION 6. If any provision of this Act or its application
15 to any person or circumstance is held invalid, the invalidity does
16 not affect other provisions or applications of this Act that can be
17 given effect without the invalid provision or application, and to
18 this end the provisions of this Act are declared severable.

19 SECTION 7. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect on the 91st day after the last day of the
24 legislative session.