

BILL ANALYSIS

H.B. 2470
By: Kuempel
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are insufficient protections for first responders who disclose a mental illness to their supervisor, allowing employers to take adverse employment action against a first responder with a mental illness. Consequently, many first responders do not disclose if they are suffering from a mental illness, such as PTSD. H.B. 2470 seeks to protect first responders with a possible or known mental illness from discriminatory action taken by their employers based on speculation or insufficient evidence in an effort to ensure the safety of that first responder and the general public.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2470 amends the Health and Safety Code to prohibit the employer of a first responder who is a licensed peace officer, fire protection personnel, or licensed emergency medical services personnel from suspending, terminating, or taking any other adverse employment action against the first responder solely because the employer knows or believes that the first responder has a mental illness, unless an appropriate adverse employment action is necessary to ensure public safety. A person may assert a violation of that prohibition as a claim against an employer, including a governmental entity, in a judicial or administrative proceeding or as a defense in a judicial or administrative proceeding and may seek compensatory damages, reasonable attorney's fees and court costs, and any other appropriate relief. The bill waives and abolishes sovereign immunity to suit to the extent of liability created by these provisions. The bill applies only to an adverse employment action taken by an employer against a first responder on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.