88R9373 MCF-D

By:  Leach H.B. No. 3475

A BILL TO BE ENTITLED

AN ACT

relating to exemptions from COVID-19 vaccine requirements and vaccination status discrimination.

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

SECTION 1.  Subchapter A, Chapter 161, Health and Safety Code, is amended by adding Section 161.0086 to read as follows:

Sec. 161.0086.  EXEMPTIONS FROM COVID-19 VACCINE REQUIREMENTS. (a) In this section:

(1)  "COVID-19" means the 2019 novel coronavirus disease.

(2)  "Employer," "employment agency," and "labor organization" have the meanings assigned by Section 21.002, Labor Code.

(b)  This section does not apply to a health care entity that provides care to an individual who:

(1)  is immunocompromised;

(2)  is medically fragile; or

(3)  provides care to individuals who are not eligible to be vaccinated against COVID-19.

(c)  Notwithstanding any other law, a law, policy, or other measure requiring an individual in this state to be vaccinated against COVID-19 to enter or gain access to, receive a service from, or be employed by an establishment must allow the individual to claim an exemption from the vaccination requirement based on:

(1)  the individual's acquired immunity against COVID-19 through post-transmission recovery;

(2)  a medical condition; or

(3)  reasons of conscience, including a religious belief.

(d)  An establishment that fails to comply with Subsection (c) is not eligible to receive a grant or enter into a contract payable with state money.

(e)  An employer commits an unlawful employment practice for purposes of Chapter 21, Labor Code, if the employer fails or refuses to hire, discharges, or otherwise discriminates against an individual with respect to the compensation or the terms, conditions, or privileges of employment because the individual claims an exemption described by Subsection (c) and is subject to enforcement in the manner provided by Subchapter F of that chapter.

(f)  A labor organization commits an unlawful employment practice for purposes of Chapter 21, Labor Code, if the labor organization excludes or expels from membership or otherwise discriminates against an individual because the individual claims an exemption described by Subsection (c) and is subject to enforcement in the manner provided by Subchapter F of that chapter.

(g)  An employment agency commits an unlawful employment practice for purposes of Chapter 21, Labor Code, if the employment agency classifies or refers for employment, fails or refuses to refer for employment, or otherwise discriminates against an individual because the individual claims an exemption described by Subsection (c) and is subject to enforcement in the manner provided by Subchapter F of that chapter.

SECTION 2.  Section 161.0086, Health and Safety Code, as added by this Act, applies only to conduct or an unlawful employment practice 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 September 1, 2023.