

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

3           (2) a medical condition; or

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

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

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

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

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

1 by Subchapter F of that chapter.

2 SECTION 2. Section 161.0086, Health and Safety Code, as  
3 added by this Act, applies only to conduct or an unlawful employment  
4 practice that occurs on or after the effective date of this Act.

5 SECTION 3. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2023.