

By: Morales Shaw

H.B. No. 3799

A BILL TO BE ENTITLED

AN ACT

relating to unpaid leave for certain employees who experience a miscarriage.

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

SECTION 1. Subtitle D, Title 2, Labor Code, is amended by adding Chapter 83 to read as follows:

CHAPTER 83. UNPAID LEAVE FOR MISCARRIAGE

Sec. 83.001. DEFINITIONS. In this chapter, "employee" and "employer" have the meanings assigned by Section 61.001.

Sec. 83.002. LEAVE FOR CERTAIN EMPLOYEES WHO EXPERIENCE A MISCARRIAGE. (a) An employee who is not entitled to any leave under the federal Family and Medical Leave Act of 1993 (29 U.S.C. Section 2601 et seq.) and who experiences a miscarriage is entitled to 10 consecutive days of unpaid leave immediately following the miscarriage.

(b) An employee shall provide notice to the employer of the employee's intent to take unpaid leave under this section as soon as is reasonably practicable.

(c) An employer may not require an employee to use any applicable sick or vacation leave before the employee may take leave under this section.

(d) An employer may require an employee who takes unpaid leave under this section to provide a physician's statement or other medical documentation upon the employee's return to work.

1 (e) An employer who violates this section commits an
2 unlawful employment practice under Subchapter B, Chapter 21.

3 SECTION 2. Chapter 83, Labor Code, as added by this Act,
4 applies only to an unlawful employment practice that occurs on or
5 after the effective date of this Act.

6 SECTION 3. This Act takes effect September 1, 2023.