

By: Hall

S.B. No. 302

A BILL TO BE ENTITLED

AN ACT

relating to employer civil liability for a vaccine requirement imposed on the employer's employees.

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

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 100B to read as follows:

CHAPTER 100B. LIABILITY FOR VACCINE REQUIREMENTS

Sec. 100B.001. EMPLOYER LIABILITY FOR VACCINE REQUIREMENTS. (a) Notwithstanding Section 408.001, Labor Code, and except as provided by Subsection (b) of this section, an employee or the employee's legal representative if the employee is deceased or incapacitated may bring an action against the employee's employer for damages arising from adverse health events that are a result of the employer's vaccine requirement for employees.

(b) This section does not apply to an employer that accepts the following exemptions from the employer's vaccine requirement for employees:

(1) the employee has reasons of conscience, including a religious belief, that conflict with the employer's vaccine requirement; and

(2) the vaccination is medically contraindicated based on the opinion of a physician who has examined the employee.

(c) A court may award a claimant who prevails in an action

1 brought under this section reasonable attorney's fees and court  
2 costs.

3 SECTION 2. Section 100B.001, Civil Practice and Remedies  
4 Code, as added by this Act, applies only to a cause of action that  
5 accrues on or after the effective date of this Act.

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