

By: Kolkhorst

S.B. No. 1026

A BILL TO BE ENTITLED

AN ACT

relating to prohibited COVID-19 vaccine mandates and vaccination status discrimination.

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

SECTION 1. Section 161.0085, Health and Safety Code, is amended by adding Subsection (b-1) and amending Subsection (e) to read as follows:

(b-1) A governmental entity or court of law in this state may not require an individual to provide any documentation certifying the individual's COVID-19 vaccination or post-transmission recovery:

(1) on entry to, to gain access to, or to receive a service from the governmental entity or court of law; or

(2) as a condition for:

(A) service on a petit or grand jury; or

(B) appointment as counsel for an indigent defendant.

(e) This section may not be construed to:

(1) restrict a business, governmental entity, or court of law from implementing COVID-19 screening and infection control protocols in accordance with state and federal law to protect public health; or

(2) interfere with an individual's right to access the individual's personal health information under federal law.

1 SECTION 2. Subchapter A, Chapter 161, Health and Safety
2 Code, is amended by adding Section 161.0086 to read as follows:

3 Sec. 161.0086. PROHIBITION ON POLITICAL SUBDIVISIONS
4 MANDATING COVID-19 VACCINATIONS. (a) In this section, "COVID-19"
5 means the 2019 novel coronavirus disease.

6 (b) Notwithstanding any other law, including Chapter 81 of
7 this code and Chapter 418, Government Code, a political subdivision
8 of this state may not issue an order, adopt an ordinance, or
9 otherwise require an individual to be vaccinated against COVID-19.

10 SECTION 3. Section 38.001(b), Education Code, as amended by
11 Chapters 43 (H.B. 1098) and 94 (H.B. 1059), Acts of the 80th
12 Legislature, Regular Session, 2007, is reenacted and amended to
13 read as follows:

14 (b) Subject to Subsections (b-1), (b-2), and (c), the
15 executive commissioner of the Health and Human Services Commission
16 may modify or delete any of the immunizations in Subsection (a) or
17 may require immunizations against additional diseases as a
18 requirement for admission to any elementary or secondary school.

19 SECTION 4. Section 38.001, Education Code, is amended by
20 adding Subsection (b-2) to read as follows:

21 (b-2) An elementary or secondary school may not require a
22 student, as a condition of the student's admission to or continued
23 enrollment in the school, to be vaccinated against the 2019 novel
24 coronavirus disease (COVID-19).

25 SECTION 5. Subchapter Z, Chapter 51, Education Code, is
26 amended by adding Section 51.91921 to read as follows:

27 Sec. 51.91921. PROHIBITION ON PRIVATE OR INDEPENDENT

1 INSTITUTIONS OF HIGHER EDUCATION MANDATING COVID-19 VACCINATION
2 FOR STUDENTS. (a) In this section:

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

5 (2) "Private or independent institution of higher
6 education" has the meaning assigned by Section 61.003.

7 (b) A private or independent institution of higher
8 education may not require a student, as a condition of the student's
9 admission to or continued enrollment in the institution, to be
10 vaccinated against COVID-19.

11 SECTION 6. Section 51.933, Education Code, is amended by
12 amending Subsection (b) and adding Subsection (b-2) to read as
13 follows:

14 (b) Except as provided by Subsection (b-2), the ~~[The]~~
15 executive commissioner of the Health and Human Services Commission
16 may require immunizations against the diseases listed in Subsection
17 (a) and additional diseases for students at any institution of
18 higher education who are pursuing a course of study in a human or
19 animal health profession, and the executive commissioner may
20 require those immunizations for any students in times of an
21 emergency or epidemic in a county where the commissioner of state
22 health services has declared such an emergency or epidemic.

23 (b-2) An institution of higher education may not require a
24 student, as a condition of the student's admission to or continued
25 enrollment in the institution, to be vaccinated against the 2019
26 novel coronavirus disease (COVID-19).

27 SECTION 7. Chapter 21, Labor Code, is amended by adding

1 Subchapter H-1 to read as follows:

2 SUBCHAPTER H-1. DISCRIMINATION BASED ON COVID-19 VACCINATION
3 STATUS

4 Sec. 21.421. DEFINITION. In this subchapter, "COVID-19"
5 means the 2019 novel coronavirus disease.

6 Sec. 21.422. PROHIBITED DISCRIMINATION BASED ON COVID-19
7 VACCINATION STATUS. (a) An employer commits an unlawful employment
8 practice if the employer fails or refuses to hire, discharges, or
9 otherwise discriminates against an individual with respect to the
10 compensation or the terms, conditions, or privileges of employment
11 because the individual has not been vaccinated against COVID-19.

12 (b) A labor organization commits an unlawful employment
13 practice if the labor organization excludes or expels from
14 membership or otherwise discriminates against an individual
15 because the individual has not been vaccinated against COVID-19.

16 (c) An employment agency commits an unlawful employment
17 practice if the employment agency classifies or refers for
18 employment, fails or refuses to refer for employment, or otherwise
19 discriminates against an individual because the individual has not
20 been vaccinated against COVID-19.

21 SECTION 8. Subchapter H-1, Chapter 21, Labor Code, as added
22 by this Act, applies only to an unlawful employment practice that
23 occurs on or after the effective date of this Act.

24 SECTION 9. (a) The changes in law made by this Act to Title
25 2, Education Code, apply beginning with the 2023-2024 school year.

26 (b) The changes in law made by this Act to Title 3, Education
27 Code, apply beginning with the 2023-2024 academic year.

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