

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 2943
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State Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 2943 seeks to address discrimination faced by applicants for or holders of occupational licenses due to their sincerely held religious beliefs, practices, or membership in religious organizations. The central problem being addressed is the potential for state agencies to adopt rules, regulations, or policies that hinder an individual's ability to obtain, maintain, or renew a professional license based on their religious convictions. This legislation is vital in ensuring that individuals are not penalized or subjected to policies that infringe upon their religious freedoms when seeking licensure in various professions.

Current law does not comprehensively protect individuals from religious discrimination within the licensing process by state agencies. While some federal and state protections against religious discrimination exist in employment and certain public spheres, the specific intersection of religious rights and occupational licensing has not been fully addressed. State agencies may currently impose rules or regulations that could limit a person's religious practices, such as requirements that conflict with an applicant's sincerely held beliefs or freedom of speech related to their religion.

S.B. 2943 aims to provide explicit protections for individuals seeking occupational licenses, safeguarding their right to practice their religion freely while participating in the workforce. The bill seeks to prohibit state agencies from adopting any rule or policy that:

1. Restricts an applicant's ability to obtain, renew, or maintain a license due to their religious beliefs.
2. Places a burden on the free exercise of religion or religious speech, regardless of whether the policy is applied generally to all applicants. Additionally, the bill offers legal recourse for individuals whose religious freedoms are violated by an agency's policies, allowing them to assert religious discrimination in administrative hearings or judicial proceedings. However, it clearly delineates that this protection will not extend to cases involving sexual misconduct or criminal offenses.

This will ensure that Texas adheres to the principles of religious freedom while maintaining professional standards. It creates a balance between upholding the integrity of licensing requirements and protecting individual religious rights, particularly for individuals whose religious beliefs conflict with certain state-imposed regulations.

S.B. 2943 will be vital to protect individuals from discriminatory practices by state agencies while ensuring that professional standards are maintained, striking a necessary balance between religious freedom and public interests.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 2943 amends current law relating to the prohibition of certain actions by a state agency against an applicant for or holder of an occupational license.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 57, Occupations Code, by adding Subchapter D, as follows:

SUBCHAPTER D. CERTAIN PROHIBITED RULES, POLICIES, OR ENFORCEMENT ACTIONS

Sec. 57.151. CERTAIN OCCUPATIONAL LICENSING RULES, POLICIES, OR ENFORCEMENT PROHIBITED. (a) Prohibits a state agency that issues a license or otherwise regulates a business, occupation, or profession from adopting any rule, regulation, or policy or imposing a penalty that:

(1) limits an applicant's ability to obtain, maintain, or renew a license based on a sincerely held religious belief of the applicant; or

(2) burdens an applicant's or a license holder's free exercise of religion, regardless of whether the burden is the result of a rule generally applicable to all applicants or license holders, freedom of speech regarding a sincerely held religious belief, or membership in any religious organization.

(b) Provides that Subsection (a) does not apply to the licensing or regulation of peace officers by the Texas Commission on Law Enforcement.

(c) Provides that Subsection (a) does not prohibit a state agency from taking any action to ensure that the standard of care or practice for the applicable business, occupation, or profession is satisfied.

(d) Prohibits this section from being construed to authorize a license holder to refuse to provide a medical service within the scope of the person's license that is necessary to prevent death or imminent serious bodily injury or limit any right, privilege, or protection granted to any person under the constitution and laws of this state and the United States.

Sec. 57.152. ADMINISTRATIVE OR JUDICIAL RELIEF. (a) Authorizes a person to assert that a state agency rule, regulation, or policy, or a penalty imposed by the agency violates Section 57.151 as a defense in an administrative hearing or as a claim or defense in a judicial proceeding under Chapter 37 (Declaratory Judgements), Civil Practice and Remedies Code, except that the person is prohibited from asserting the violation as a defense to an allegation of sexual misconduct or prosecution of an offense.

(b) Authorizes a person to bring an action for injunctive relief against a violation of Section 57.151.

SECTION 2. Effective date: upon passage or September 1, 2025.