

A BILL TO BE ENTITLED

AN ACT

relating to an employee's right to time off from work if the employee experiences a reproductive loss.

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. EMPLOYEE RIGHT TO TIME OFF FOLLOWING REPRODUCTIVE LOSS

Sec. 83.001. DEFINITIONS. In this chapter:

(1) "Adoption" has the meaning assigned by Section 162.402, Family Code.

(2) "Assisted reproduction" has the meaning assigned by Section 160.102, Family Code.

(3) "Employee" means an individual employed by an employer.

(4) "Employer" means a person that employs five or more employees. The term includes a public employer.

(5) "Gestational mother" means a woman who gives birth to a child conceived under a surrogacy agreement.

(6) "Public employer" has the meaning assigned by Section 619.001, Government Code.

(7) "Surrogacy agreement" means a validated gestational agreement under Subchapter I, Chapter 160, Family Code, or a surrogacy agreement entered into under another state's or country's law.

1 Sec. 83.002. APPLICABILITY. (a) This chapter applies only
2 to an employee who:

3 (1) is employed by the employer for at least 30 days;

4 and

5 (2) would have been a parent of a child as a result of:

6 (A) a pregnancy of the employee, the employee's
7 spouse, or a gestational mother; or

8 (B) an adoption.

9 (b) This chapter does not apply to an employer that is an
10 agency of the federal government.

11 Sec. 83.003. RIGHT TO TIME OFF; LIMITATIONS. (a) An
12 employee to whom this chapter applies is entitled to five days of
13 time off during the three-month period following the date the
14 employee experiences a reproductive loss resulting from:

15 (1) a miscarriage or stillbirth;

16 (2) an unsuccessful assisted reproduction procedure,
17 including an unsuccessful round of intrauterine insemination;

18 (3) the dissolution or breach of an adoption agreement
19 with the birth mother or legal guardian or an adoption that is not
20 finalized because the adoption is contested by another person; or

21 (4) the dissolution or breach of a gestational
22 agreement, or a failed embryo transfer to the intended gestational
23 mother under the agreement.

24 (b) An employee shall provide notice to the employer of the
25 employee's intent to take time off under this chapter as soon as it
26 is reasonably practicable.

27 (c) An employee may take time off under this section

1 consecutively or intermittently.

2 (d) An employee who experiences more than one reproductive
3 loss in a 12-month period is entitled under this section to not more
4 than 20 work days of time off during that period.

5 Sec. 83.004. USE OF LEAVE TIME. An employer may not require
6 an employee to substitute accrued paid vacation leave, medical or
7 sick leave, or other leave for time off provided by this chapter.

8 Sec. 83.005. EFFECT ON EMPLOYEE PAY. An employer is not
9 required to compensate an employee who takes time off provided by
10 this chapter.

11 Sec. 83.006. EMPLOYEE CERTIFICATION. (a) Subject to
12 Subsection (b), an employer may require an employee to provide,
13 within a reasonable time after the employee's initial absence from
14 work, certification to the employer that:

15 (1) the employee experienced a reproductive loss
16 described by Section 83.003(a); and

17 (2) the employee's time off from work is related to the
18 loss.

19 (b) An employer may not require that an employee requesting
20 time off under this chapter provide to the employer:

21 (1) the cause or nature of the employee's reproductive
22 loss; or

23 (2) documentation related to the employee's
24 reproductive loss.

25 (c) The Texas Workforce Commission shall create and make
26 available a form that may be used by an employee for certification
27 under this section. An employee is not required to use the form

1 created under this subsection to provide certification.

2 Sec. 83.007. CONFIDENTIALITY. An employer shall maintain
3 the confidentiality of the fact that an employee has requested or
4 taken time off under this chapter and any written document or record
5 submitted to the employer by the employee relating to time off
6 requested or taken under this chapter, except to the extent that
7 disclosure is:

8 (1) requested or consented to in writing by the
9 employee; or

10 (2) required by other state or federal law.

11 Sec. 83.008. NOTICE TO EMPLOYEES. Each employer shall
12 inform its employees of the right to take time off under this
13 chapter by posting a sign in a prominent location in the employer's
14 workplace.

15 Sec. 83.009. EMPLOYER RETALIATION PROHIBITED. An employer
16 may not suspend or terminate the employment of, or otherwise
17 discriminate against, an employee who:

18 (1) requests or takes time off authorized by this
19 chapter; or

20 (2) testifies, assists, or participates in any manner
21 in an investigation, proceeding, or hearing relating to a violation
22 of this chapter.

23 Sec. 83.010. UNLAWFUL EMPLOYMENT PRACTICE. An employer
24 that violates this chapter commits an unlawful employment practice
25 under Subchapter B, Chapter 21.

26 SECTION 2. This Act applies only to a suspension,
27 termination, or other adverse employment action that is taken by an

1 employer against an employee because of an employee absence
2 authorized under Chapter 83, Labor Code, as added by this Act, that
3 occurs based on a reproductive loss occurring on or after the
4 effective date of this Act.

5 SECTION 3. This Act takes effect September 1, 2025.