

1-1 By: Middleton, et al. S.B. No. 7
1-2 (In the Senate - Filed October 9, 2023; October 9, 2023,
1-3 read first time and referred to Committee on Health & Human
1-4 Services; October 10, 2023, reported favorably by the following
1-5 vote: Yeas 6, Nays 3; October 10, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10		X		
1-11	X			
1-12	X			
1-13	X			
1-14		X		
1-15		X		
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to prohibiting an employer from adopting or enforcing
1-20 certain COVID-19 vaccine mandates; authorizing an administrative
1-21 penalty.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subtitle D, Title 2, Health and Safety Code, is
1-24 amended by adding Chapter 81D to read as follows:

1-25 CHAPTER 81D. PROHIBITED CORONAVIRUS VACCINE MANDATES BY EMPLOYER

1-26 Sec. 81D.001. DEFINITIONS. In this chapter:

1-27 (1) "Adverse action" means an action taken by an
1-28 employer that a reasonable person would consider was for the
1-29 purpose of punishing, alienating, or otherwise adversely affecting
1-30 an employee, contractor, applicant for employment, or applicant for
1-31 a contract position.

1-32 (2) "Commission" means the Texas Workforce
1-33 Commission.

1-34 (3) "COVID-19" means the 2019 novel coronavirus
1-35 disease and any variants of the disease.

1-36 (4) "Employer" means a person who employs one or more
1-37 employees.

1-38 Sec. 81D.002. EMPLOYER CORONAVIRUS VACCINE MANDATES
1-39 PROHIBITED. An employer may not adopt or enforce a mandate
1-40 requiring an employee, contractor, applicant for employment, or
1-41 applicant for a contract position to be vaccinated against COVID-19
1-42 as a condition of employment or a contract position.

1-43 Sec. 81D.003. PROHIBITED ADVERSE ACTION BY EMPLOYER. An
1-44 employer may not take an adverse action against an employee,
1-45 contractor, applicant for employment, or applicant for a contract
1-46 position for a refusal to be vaccinated against COVID-19.

1-47 Sec. 81D.004. COMPLAINT; INVESTIGATION. (a) An employee,
1-48 contractor, applicant for employment, or applicant for a contract
1-49 position against whom an employer took an adverse action in
1-50 violation of this chapter may file a complaint with the commission
1-51 in the form and manner prescribed by commission rules.

1-52 (b) A complaint filed with the commission must include the
1-53 following information:

1-54 (1) the name of the complainant;

1-55 (2) the name of the employer; and

1-56 (3) the nature and description of any alleged adverse
1-57 action the employer took against the complainant.

1-58 (c) On receipt of a complaint under Subsection (a), the
1-59 commission shall conduct an investigation to determine whether the
1-60 employer took an adverse action against the complainant because of
1-61 the complainant's refusal to be vaccinated against COVID-19.

2-1 (d) The commission shall adopt rules prescribing the
2-2 procedures for accepting complaints and conducting investigations
2-3 under this section.

2-4 Sec. 81D.005. INJUNCTIVE RELIEF. (a) The attorney general
2-5 may bring an action for injunctive relief against the employer to
2-6 prevent further violations of this chapter by the employer. The
2-7 action must be filed in a district court in:

- 2-8 (1) Travis County; or
- 2-9 (2) the county in which the alleged adverse action
2-10 occurred.

2-11 (b) In an injunction issued under Subsection (a), a court
2-12 may include reasonable requirements to prevent further violations
2-13 of this section.

2-14 Sec. 81D.006. ADMINISTRATIVE PENALTY. The commission may
2-15 impose on an employer who violates this chapter an administrative
2-16 penalty of not more than \$1,000 for each violation, unless the
2-17 employer, as applicable:

- 2-18 (1) hires the applicant for employment or offers a
2-19 contract to the applicant for a contract position; or
- 2-20 (2) reinstates the employee or contractor and provides
2-21 the employee or contractor with back pay from the date the employer
2-22 took the adverse action and makes every reasonable effort to
2-23 reverse the effects of the adverse action, including reestablishing
2-24 employee benefits for which the employee or contractor otherwise
2-25 would have been eligible if the adverse action had not been taken.

2-26 SECTION 2. The change in law made by this Act applies only
2-27 to conduct or an adverse action that occurs on or after the
2-28 effective date of this Act.

2-29 SECTION 3. This Act takes effect immediately if it receives
2-30 a vote of two-thirds of all the members elected to each house, as
2-31 provided by Section 39, Article III, Texas Constitution. If this
2-32 Act does not receive the vote necessary for immediate effect, this
2-33 Act takes effect on the 91st day after the last day of the
2-34 legislative session.

2-35 * * * * *