

By: Perry, Birdwell, Hughes

S.B. No. 651

A BILL TO BE ENTITLED

AN ACT

1
2 relating to discrimination by a state agency against an applicant
3 for or holder of an occupational license.

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

5 SECTION 1. The legislature finds that:

6 (1) as of January 1, 2017:

7 (A) there are over 65 professions for which the
8 state requires a person to obtain an occupational license;

9 (B) over one-third of the members of the house of
10 representatives hold occupational licenses; and

11 (C) over one-half of the members of the senate
12 hold occupational licenses;

13 (2) a significant portion of professions in this state
14 require an occupational license;

15 (3) the state maintains stringent standards for
16 obtaining an occupational license;

17 (4) professions requiring an occupational license
18 represent a vibrant and diverse sector of the state's economy;

19 (5) the due course of the law protection of Section 19,
20 Article I, Texas Constitution, prohibits the state from imposing
21 unreasonably burdensome economic regulations; and

22 (6) the state has a compelling or important
23 governmental interest in protecting occupational license holders
24 from discrimination based on a sincerely held religious belief by

1 the government in the regulation of the profession for which the
2 license is required.

3 SECTION 2. Chapter 57, Occupations Code, is amended by
4 adding Sections 57.003 and 57.004 to read as follows:

5 Sec. 57.003. CERTAIN RULES OR POLICIES PROHIBITED. (a) A
6 state agency that issues a license or otherwise regulates a
7 business, occupation, or profession may not adopt any rule,
8 regulation, or policy or impose a penalty that:

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

11 (2) burdens a license holder's:

12 (A) free exercise of religion, regardless of
13 whether the burden is the result of a rule generally applicable to
14 all license holders;

15 (B) freedom of speech regarding a sincerely held
16 religious belief; or

17 (C) membership in any religious organization.

18 (b) Subsection (a) does not apply to a rule, regulation, or
19 policy adopted or a penalty imposed by a state agency that results
20 in a limitation or burden described by Subsection (a) if the rule,
21 regulation, policy, or penalty is:

22 (1) essential to enforcing a compelling governmental
23 purpose; and

24 (2) narrowly tailored to accomplish that purpose.

25 Sec. 57.004. ADMINISTRATIVE OR JUDICIAL RELIEF. (a) A
26 person may assert that a state agency rule, regulation, or policy,
27 or a penalty imposed by the agency, violates Section 57.003 as a

1 defense in an administrative hearing or as a claim or defense in a
2 judicial proceeding under Chapter 37, Civil Practice and Remedies
3 Code.

4 (b) A person may bring an action for injunctive relief
5 against a violation of Section 57.003.

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, 2017.