

LEGAL UPDATE

TEXAS

New Law Prohibits COVID-19 Vaccination Mandates

As of Feb. 6, 2024, a [new Texas law](#) prohibits all private employers in the state from adopting or enforcing any COVID-19 vaccination mandates for workers.

Covered Employers

The new law applies to all employers, other than governmental entities, that have one or more employees working in Texas. This includes health care facilities and providers, though these employers may have reasonable policies regarding personal protective equipment for certain unvaccinated workers.

Prohibited Actions

Under the new law, an employer may not:

- ❌ Adopt or enforce any policy that requires vaccination against COVID-19 as a condition of employment or contract work; or
- ❌ Take any adverse action against an individual for refusing to be vaccinated against COVID-19.

Enforcement

The new law is enforced by the [Texas Workforce Commission](#) (TWC), which is currently developing rules for administering the new provisions. The agency expects to complete these rules sometime in late summer or fall 2024. Meanwhile, an individual who believes an employer has violated the new law on or after the effective date may file a complaint with the TWC. The agency will then hold the complaint until its rules are finalized.

Under the law itself, the TWC must conduct an investigation of each complaint it receives. The agency may also request that the attorney general bring a lawsuit for injunctive relief to prevent further violations. If the TWC finds that an employer has violated the law, it may order the employer to pay reasonable investigative costs plus an administrative penalty of **\$50,000** for each violation.

Important Information

New Prohibition

Employers in Texas may not require COVID-19 vaccination as a condition of employment or contract work.

Protected Workers

The new protections cover all employees, contractors, job applicants and applicants for contract positions.

Penalty Potential

Employers that violate the new law may face a \$50,000 penalty unless they take certain steps to mitigate any negative action taken against an unvaccinated worker.

As of Feb. 6, 2024, employers may not have or enforce COVID-19 vaccination mandates for employees or contractors.

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