

Texas Enacts Ban on COVID-19 Vaccine Workplace Mandates: Six Things Health Care Employers Need to Know Now

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Health care employers need to know how to avoid being subject to health care vaccine mandates. <https://www.texas.gov/sessions/special-sessions/index.cfm#id=Sec81D0035> and <https://www.texas.gov/sessions/special-sessions/index.cfm#id=Sec81D0035> are the relevant provisions. <https://www.texas.gov/sessions/special-sessions/index.cfm#id=Sec81D0035> is

- health care facilities that are a “a provider of services, as defined by Section 1861, Social Security Act (42 U.S.C. Section 1395x)” Id. at new Sec. 81D.0035(1);
- health care providers, as defined under Section 74.001(12) of the Texas Civil Practice & Remedies Code. Id. at new Sec. 81D.0035(2)(a); and
- physicians, as defined under Section 74.001(23) of the Texas Civil Practice & Remedies Code. Id.

The bill also prohibits an employer from (a) terminating an employee or contractor for failing to comply with a vaccine mandate, (b) refusing to hire an applicant for employment or offer a contract to the applicant for a contract position, or (c) reinstating an employee or contractor and providing back pay from the date the employer took the adverse action and making every reasonable effort to reverse the effects of the adverse action, including reestablishing employee

- hires the applicant for employment or offers a contract to the applicant for a contract position; or
- reinstates the employee or contractor and provides the employee or contractor with back pay from the date the employer took the adverse action and makes every reasonable effort to reverse the effects of the adverse action, including reestablishing employee

benefits for which the employee or contractor otherwise would have been eligible if the adverse action had not been taken.

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prohibit any public employer from implementing such a requirement with the

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