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LEGAL ALERT



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FOR TEXAS EMPLOYERS ONLY

During the 88th Texas Legislature Regular Session, 774 new Texas laws were passed which became effective on September 1, 2023.

TEXAS "DEATH STAR" LAW

Effective 9/1/2023, the Texas Regulatory Consistency Act (H.B. 2127) prohibits Texas municipalities or Texas counties from enacting laws which are more stringent than federal or Texas state law. The prohibition applies to the following Codes: Agriculture, Business & Commerce, Finance, Insurance, Labor, Natural Resources, Occupations, Property. For the Texas Labor Code, this affects Texas laws regarding employment leave, hiring practices, breaks, benefits, scheduling practices, and any other terms of employment that exceed or conflict with federal or Texas state law for employers (other than employers that are a municipality or county). Employers may still create their own policies that exceed federal and Texas state law, but Texas employers cannot be required to do so by laws passed by Texas municipalities or Texas counties.

TEXAS CROWN ACT

Effective 9/1/2023, the Texas Creating a Respectful and Open World for Natural Hair (CROWN) Act (H.B. 567) updated the Texas Labor Code prohibition on employment discrimination on the basis of race. Discrimination is prohibited on the basis of an employee's hairstyle texture or protective hairstyle, so an employer, labor union, or employment agency cannot adopt or enforce a dress or grooming policy that discriminates against a hair texture or protective hairstyle that is commonly or historically associated with race.

TEXAS SECURITY BREACH REPORTING REQUIREMENTS

Effective 9/1/2023, Texas S.B. 768 amends the Texas Business and Commerce Code concerning data breach reporting requirements for any person in Texas who conducts business using or owning computerized data. The amendments require that, for any data breach involving at least 250 Texas residents, the person must report the breach to the Texas attorney general via [electronic form](#) by no later than 30 days after the date on which it is determined that the breach occurred.

TEXAS EMPLOYERS MUST POST NOTICE PROVIDING INFORMATION FOR REPORTING WORKPLACE VIOLENCE

Effective 9/1/2023, Texas H.B. 915 creates a 24-hour toll-free hotline for reporting workplace violence in Texas. Texas employers must post a notice of the hotline to Texas employees in a conspicuous place, in sufficient locations to be convenient to all Texas employees, and in English and Spanish, as appropriate. The Texas Workforce Commission and the Texas Department of Licensing and Regulation must establish the hotline by 2/1/2024 and finalize the rules governing the notice by 3/1/2024. As such, the format and requirements for the notice have not been released yet.

TEXAS BAN ON EMPLOYER-MANDATED CORONAVIRUS VACCINATIONS

Effective 2/6/2024, Texas S.B. 7 prevents Texas employers from adopting a policy requiring the COVID-19 vaccine as a condition of employment. Texas employers are prohibited from taking an adverse action against an employee, contractor, or applicant for employment or contract position for their refusal to receive the COVID-19 vaccine. Texas employees who are subject to prohibited COVID-19 vaccine mandates or face adverse actions from their employers may submit complaints to the Texas Workforce Commission (TWC). TWC will be empowered to investigate allegations and issue fines up to \$1,000 for each violation, unless the Texas employee is reinstated or the adverse action is corrected by the employer. The Texas Attorney General may seek injunctive relief, and Texas state courts will be authorized to take steps to prevent repeat violations.

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