

# LEGAL UPDATE

# TEXAS

## New Order Prohibits Employers From Enforcing Vaccine Mandates

On Oct. 11, 2021, Texas Gov. Greg Abbott issued an executive order that effectively prohibits all employers in the state from requiring their employees to be vaccinated against COVID-19. [Executive Order GA-40](#), which went into effect immediately, states that “no entity” in the state may compel any individual—including an employee or consumer—to receive a COVID-19 vaccine if the individual objects to the vaccination based on:

- Personal conscience;
- Religious belief; or
- Medical reasons (including prior recovery from COVID-19).

The order also prevents local governments from issuing any conflicting laws or orders and suspends all relevant state statutes “to the extent necessary to enforce” the new prohibition.

Any entity that violates the new order may be subject to fines of up to \$1,000 per violation.

### Earlier Bans on Vaccine Passports Remain in Effect

Gov. Abbot has previously issued executive orders ([GA-35](#), [GA-38](#), and [GA-39](#)) that prohibit governmental entities and businesses from imposing COVID-19 vaccine mandates or requiring vaccine passports to enter premises or receive services. Along with the new Executive Order GA-40, those earlier state orders remain in effect indefinitely.

### Federal Guidance on Vaccine Mandates

According to [guidance](#) issued by the U.S. Equal Employment Opportunity Commission, federal fair employment laws generally allow employers to mandate COVID-19 vaccines for employees as long as they provide exceptions for those who request them based on medical or religious reasons.

### Important Information

#### Executive Order GA-40

Effective Oct. 11, 2021, Executive Order GA-40 prohibits all entities in Texas from compelling any individual to receive the COVID-19 vaccine.

#### Personal Objections

In addition to the medical and religious exemptions that must be made available under federal law, the state order requires employers to allow COVID-19 vaccine mandate exceptions for individuals who object based on “personal conscience.”

*“No entity” in Texas may compel objecting employees or consumers to receive COVID-19 vaccines.*

Provided to you by [Relation Insurance Services](#)

This Legal Update is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice. ©2021 Zywave, Inc. All rights reserved.

