

## **BILL ANALYSIS**

H.B. 2969  
By: Sanford  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the consequences of the lack of employment protections for certain first responders who disclose a mental illness to their employers or who are believed by their employers to have such an illness. It is suggested that adverse employment action against such first responders may leave others hesitant to disclose their illnesses for fear of retribution. H.B. 2969 seeks to address this issue by protecting first responders the employer knows or believes has a mental illness from discriminatory employment action.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 2969 amends the Health and Safety Code to prohibit the employer of a first responder from suspending, terminating, or taking any other adverse employment action against a first responder solely because the employer knows or believes that the first responder has a mental illness, except for an appropriate action that is necessary to ensure public safety. The bill authorizes a person to assert a violation of the bill's provisions as a claim against an employer, including a governmental entity, in a judicial or administrative proceeding or as a defense in a judicial or administrative proceeding. The bill authorizes an aggrieved person to seek compensatory damages, reasonable attorney's fees and court costs, and any other appropriate relief. The bill waives and abolishes sovereign immunity to suit to the extent of liability created by the bill's provisions. The bill applies only to a licensed peace officer, fire protection personnel, and emergency medical services personnel licensed under the Emergency Health Care Act.

### **EFFECTIVE DATE**

September 1, 2019.