

By: Schaefer

H.B. No. 128

A BILL TO BE ENTITLED

AN ACT

relating to government authority to require a person to wear a mask or personal protective equipment during a disaster.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 418.012, Government Code, is redesignated as 418.012(a) and amended by adding Subsection (b) to read as follows:

Sec. 418.012. EXECUTIVE ORDERS. (a) Under this chapter, the governor may issue executive orders, proclamations, and regulations and amend or rescind them. Executive orders, proclamations, and regulations have the force and effect of law.

(b) The governor may not issue an executive order, proclamation, or regulation that requires a person to wear a mask or personal protective equipment unless expressly provided by statute.

SECTION 2. Section 418.108, Government Code, is amended by adding Subsection (j) to read as follows:

(j) A local official may not issue an executive order or proclamation that requires a person to wear a mask or personal protective equipment unless expressly provided by statute.

SECTION 3. The change in law made by this Act applies to executive orders, proclamations, and regulations that are currently in effect, or go into effect on or after the effective date of this Act.

1           SECTION 4. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2021.