

By: Kolkhorst, et al.
(Klick)

S.B. No. 966

A BILL TO BE ENTITLED

AN ACT

relating to legislative oversight during a public health disaster or public health emergency, including the establishment of a legislative public health oversight board.

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

SECTION 1. The heading to Subtitle D, Title 2, Health and Safety Code, is amended to read as follows:

SUBTITLE D. PREVENTION, CONTROL, AND REPORTS OF DISEASES; PUBLIC HEALTH DISASTERS AND EMERGENCIES

SECTION 2. The heading to Chapter 81, Health and Safety Code, is amended to read as follows:

CHAPTER 81. COMMUNICABLE DISEASES; PUBLIC HEALTH DISASTERS; PUBLIC HEALTH EMERGENCIES

SECTION 3. Section 81.003, Health and Safety Code, is amended by amending Subdivision (7) and adding Subdivision (7-a) to read as follows:

(7) "Public health disaster" means:

(A) a declaration by the governor of a state of disaster; and

(B) a determination by the commissioner that there exists an immediate threat from a communicable disease, health condition, or chemical, biological, radiological, or electromagnetic exposure that:

(i) poses a high risk of death or serious

1 harm [~~long-term disability~~] to the public [~~a large number of~~
2 ~~people~~]; and

3 (ii) creates a substantial risk of harmful
4 public exposure [~~because of the disease's high level of contagion~~
5 ~~or the method by which the disease is transmitted~~].

6 (7-a) "Public health emergency" means a determination
7 by the commissioner, evidenced in an emergency order issued by the
8 commissioner, that there exists an immediate threat from a
9 communicable disease, health condition, or chemical, biological,
10 radiological, or electromagnetic exposure that:

11 (A) potentially poses a risk of death or severe
12 illness or harm to the public; and

13 (B) potentially creates a substantial risk of
14 harmful exposure to the public.

15 SECTION 4. The heading to Subchapter E, Chapter 81, Health
16 and Safety Code, is amended to read as follows:

17 SUBCHAPTER E. CONTROL; PUBLIC HEALTH DISASTERS; PUBLIC HEALTH
18 EMERGENCIES

19 SECTION 5. Section 81.082, Health and Safety Code, is
20 amended by amending Subsection (d) and adding Subsections (d-1) and
21 (d-2) to read as follows:

22 (d) A declaration of a public health disaster or an order of
23 public health emergency may continue for not more than 30 days after
24 the date the disaster or emergency is declared or ordered by the
25 commissioner. A public health disaster or public health emergency
26 may be renewed [~~one time~~] by the legislature or the legislative
27 public health oversight board established under Section 81.0821

1 ~~[commissioner]~~ for an additional 30 days. Each renewal period may
2 not exceed 30 days.

3 (d-1) Notwithstanding Subsection (d), if the legislature or
4 the legislative public health oversight board is unable to meet to
5 consider renewing a declaration of a public health disaster or an
6 order of a public health emergency, the declaration or order shall
7 continue until the legislature or the board meets unless the
8 declaration or order is terminated by the commissioner or the
9 governor.

10 (d-2) Not later than the seventh day after the date the
11 commissioner issues an initial declaration of a public health
12 disaster or an order of a public health emergency, the commissioner
13 shall consult with the chairs of the standing committees of the
14 senate and house of representatives with primary jurisdiction over
15 public health regarding the disaster or emergency.

16 SECTION 6. Subchapter E, Chapter 81, Health and Safety
17 Code, is amended by adding Section 81.0821 to read as follows:

18 Sec. 81.0821. LEGISLATIVE PUBLIC HEALTH OVERSIGHT BOARD.

19 (a) In this section, "board" means the legislative public health
20 oversight board established under this section.

21 (b) The legislative public health oversight board is
22 established to provide oversight for declarations of public health
23 disasters and orders of public health emergencies issued by the
24 commissioner under this chapter and perform other duties required
25 by law.

26 (c) The board consists of the following members:

27 (1) the lieutenant governor;

1 (2) the speaker of the house of representatives;

2 (3) the chair of the senate committee with primary
3 jurisdiction over public health;

4 (4) the chair of the house committee with primary
5 jurisdiction over public health;

6 (5) a member of the senate appointed by the lieutenant
7 governor; and

8 (6) a member of the house appointed by the speaker.

9 (d) The lieutenant governor and the speaker of the house of
10 representatives are joint chairs of the board.

11 (e) A majority of the members of the board from each house of
12 the legislature constitutes a quorum to transact business. If a
13 quorum is present, the board by majority vote may act on any matter
14 within the board's jurisdiction.

15 (f) The board shall meet as often as necessary to perform
16 the board's duties. Meetings may be held at any time at the request
17 of either chair or on written petition of a majority of the board
18 members from each house of the legislature.

19 (g) The board shall meet in Austin, except that if a
20 majority of the board members from each house of the legislature
21 agree, the committee may meet in any location determined by the
22 board.

23 (h) As an exception to Chapter 551, Government Code, and
24 other law, for a meeting in Austin at which both joint chairs of the
25 board are physically present, any number of the other board members
26 may attend the meeting by use of telephone conference call, video
27 conference call, or other similar telecommunication device. This

1 subsection applies for purposes of establishing a quorum or voting
2 or any other purpose allowing the members to fully participate in
3 any board meeting. This subsection applies without regard to the
4 subject or topics considered by the members at the meeting.

5 (i) A board meeting held by use of telephone conference
6 call, video conference call, or other similar telecommunication
7 device:

8 (1) is subject to the notice requirements applicable
9 to other meetings;

10 (2) must specify in the notice of the meeting the
11 location in Austin at which the joint chairs will be physically
12 present;

13 (3) must be open to the public and audible to the
14 public at the location specified in the notice under Subdivision
15 (2); and

16 (4) must provide two-way audio communication between
17 all board members attending the meeting during the entire meeting,
18 and if the two-way audio communication link with any member
19 attending the meeting is disrupted at any time, the meeting may not
20 continue until the two-way audio communication link is
21 reestablished.

22 SECTION 7. As soon as practicable after the effective date
23 of this Act, the lieutenant governor and the speaker of the house of
24 representatives shall appoint the legislative members to the
25 legislative public health oversight board as required by Section
26 81.0821, Health and Safety Code, as added by this Act.

27 SECTION 8. This Act takes effect immediately if it receives

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