

By: Schaefer

H.B. No. 154

A BILL TO BE ENTITLED

AN ACT

1
2 relating to governmental authority to require a person to wear a
3 face mask or covering or other personal protective equipment during
4 a disaster.

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

6 SECTION 1. Section [418.012](#), Government Code, is amended to
7 read as follows:

8 Sec. 418.012. EXECUTIVE ORDERS. (a) Under this chapter,
9 the governor may issue, amend, or rescind executive orders,
10 proclamations, and regulations [~~and amend or rescind them~~].
11 Executive orders, proclamations, and regulations have the force and
12 effect of law.

13 (b) Notwithstanding Subsection (a), the governor may not
14 issue an executive order, proclamation, or regulation under this
15 chapter that requires a person to wear a face mask or covering or
16 other item of personal protective equipment unless a provision of
17 law other than a provision of this chapter specifically authorizes
18 the governor to require a person to wear a face mask or covering or
19 other item of personal protective equipment.

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

22 (j) The presiding officer of the governing body of a
23 political subdivision may not issue an order or proclamation
24 related to a declared state of disaster or local state of disaster

1 that requires a person to wear a face mask or covering or other item
2 of personal protective equipment unless a provision of law other
3 than a provision of this chapter authorizes the presiding officer
4 of the governing body to require a person to wear a face mask or
5 covering or other item of personal protective equipment.

6 SECTION 3. The changes in law made by this Act apply to an
7 order, proclamation, or regulation that is in effect on the
8 effective date of this Act or that is issued or renewed on or after
9 the effective date of this Act. An order, proclamation, or
10 regulation in effect on the effective date of this Act that
11 conflicts with the law as amended by this Act is void as of that date
12 and not enforceable against any person.

13 SECTION 4. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2023.