

By: Hunter

H.B. No. 4841

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition on COVID-19 restrictions, with exceptions.

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

SECTION 1. Subchapter A, Chapter 161, Health and Safety Code, is amended by adding Section 161.0015 to read as follows:

Sec. 161.0015. PROHIBITED COVID-19 VACCINE MANDATES. (a) This state, a state agency, or a political subdivision of this state, including a public school district, an open-enrollment charter school, or a public health authority may not implement, order, or otherwise impose a mandate requiring an individual to be vaccinated against COVID-19.

(b) Notwithstanding Subsection (a), a facility owned or operated by this state, a state agency, or a political subdivision of this state that is subject to the Centers for Medicare & Medicaid Services vaccine requirement contained in 86 Fed. Reg. 61555 (2021) may require an employee or an applicant for employment to provide documentation certifying the employee's or applicant's COVID-19 vaccination.

SECTION 2. Subchapter H, Chapter 418, Government Code, is amended by adding Section 184.196, Section 184.197, and Section 184.198 to read as follows:

Sec. 418.196. BAN ON COVID-19-RELATED BUSINESS CLOSURES OR LIMITATIONS. This state, a state agency, a public health

1 authority, or the governing body of a political subdivision or its
2 presiding officer shall not issue an order, enact an ordinance, or
3 take any other action having the force and effect of law that would
4 limit or prohibit any business activity or services in response to
5 the COVID-19 pandemic.

6 Sec. 418.197. BAN ON COVID-19-RELATED SCHOOL CLOSURES OR
7 LIMITATIONS. This state, a state agency, a public school district,
8 an open-enrollment charter school, a public health authority, or
9 the governing body of a political subdivision or its presiding
10 officer may not issue an order, enact an ordinance, or take any
11 other action having the force and effect of law that would limit or
12 prohibit any school activity or service in response to the COVID-19
13 pandemic.

14 Sec. 418.198. LIMITATION ON AUTHORITY OF GOVERNMENTAL
15 ENTITY TO MANDATE CERTAIN FACE COVERINGS. (a) In this section,
16 "governmental entity" means:

- 17 (1) this state or a state agency;
18 (2) a municipality, a county, a public school
19 district, open-enrollment charter school, a public health
20 authority, or other political subdivision of this state; and
21 (3) an officer or employee of a political subdivision
22 of this state.

23 (b) Notwithstanding any other law, and except as provided by
24 Subsection (c), a governmental entity may not adopt or enforce an
25 ordinance, order, or other measure that requires an individual to
26 wear a face covering in response to the COVID-19 pandemic.

27 (c) The limitation prescribed by Subsection (b) does not

1 apply to:

2 (1) a state supported living center, as defined by
3 Section 531.002, Health and Safety Code, that is complying with
4 directives given by the Texas Health and Human Services Commission;

5 (2) a hospital that is owned by a governmental entity
6 that is complying with directives established by the governmental
7 entity that owns the hospital; or

8 (3) a municipal jail, a county jail, or a facility
9 operated by the Texas Department of Criminal Justice or the Texas
10 Juvenile Justice Department that is complying with directives
11 established by the Texas Commission on Jail Standards.

12 SECTION 3. If any provision of this Act or its application
13 to any person or circumstance is held invalid, the invalidity does
14 not affect other provisions or applications of this Act that can be
15 given effect without the invalid provision or application, and to
16 this end the provisions of this Act are declared to be severable.

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