

AN ACT

relating to prohibited governmental entity implementation or enforcement of a vaccine mandate, mask requirement, or private business or school closure to prevent the spread of COVID-19.

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

SECTION 1. Subtitle D, Title 2, Health and Safety Code, is amended by adding Chapter 81B to read as follows:

CHAPTER 81B. PROHIBITED CORONAVIRUS PREVENTATIVE MEASURES

Sec. 81B.001. DEFINITIONS. In this chapter:

(1) "COVID-19" means the 2019 novel coronavirus disease and any variants of the disease.

(2) "Governmental entity" means this state, a local government entity as defined by Section 418.004, Government Code, an open-enrollment charter school, or an agency of this state or a local government entity.

Sec. 81B.002. PROHIBITED FACE-COVERING MANDATE. (a) Except as provided by Subsection (b), a governmental entity may not implement, order, or otherwise impose a mandate requiring a person to wear a face mask or other face covering to prevent the spread of COVID-19.

(b) The limitation prescribed by Subsection (a) does not apply to an order or mandate that relates to:

(1) a state supported living center, as defined by Section 531.002, subject to any applicable rule or guidance

1 prescribed by the commission that conflicts with that limitation;

2 (2) a facility operated by the Texas Department of
3 Criminal Justice or the Texas Juvenile Justice Department or a
4 municipal or county jail, subject to any applicable rule or
5 guidance prescribed by the Commission on Jail Standards that
6 conflicts with that limitation; or

7 (3) a hospital or other health care facility owned by a
8 governmental entity, including a hospital or other health care
9 clinic operated by or associated with an institution of higher
10 education, as that term is defined by Section 61.003, Education
11 Code, subject to any applicable order, ordinance, or guidance
12 prescribed by that governmental entity that conflicts with that
13 limitation.

14 Sec. 81B.003. PROHIBITED VACCINE MANDATE. (a) Except as
15 provided by Subsection (b), a governmental entity may not
16 implement, order, or otherwise impose a mandate requiring a person
17 to be vaccinated against COVID-19.

18 (b) The prohibition under Subsection (a) applies only to the
19 extent the prohibition does not conflict with the final rule
20 adopted by the Centers for Medicare and Medicaid Services and
21 published at 86 Fed. Reg. 61555 (November 5, 2021).

22 Sec. 81B.004. PROHIBITED CLOSURE MANDATE FOR PRIVATE
23 BUSINESSES AND SCHOOLS. A governmental entity may not implement,
24 order, or otherwise impose a mandate requiring the closure of a
25 private business, public school, open-enrollment charter school,
26 or private school to prevent the spread of COVID-19.

27 SECTION 2. This Act takes effect immediately if it receives

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, 2023.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 29 passed the Senate on April 3, 2023, by the following vote: Yeas 20, Nays 11; May 25, 2023, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 2023, House granted request of the Senate; May 28, 2023, Senate adopted Conference Committee Report by the following vote: Yeas 20, Nays 11.

Secretary of the Senate

I hereby certify that S.B. No. 29 passed the House, with amendments, on May 23, 2023, by the following vote: Yeas 87, Nays 60, one present not voting; May 26, 2023, House granted request of the Senate for appointment of Conference Committee; May 28, 2023, House adopted Conference Committee Report by the following vote: Yeas 90, Nays 53, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor