

BILL ANALYSIS

C.S.H.B. 627

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Defense Affairs and State-Federal Relations
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Article 81.085 of the Health and Safety Code provides a process for the Commissioner of Public Health or one or more Health Authorities to establish a quarantine in an area affected by an outbreak of a communicable disease. Recent developments related to terrorist threats have made it necessary for the development of the same type of quarantine authority in order to protect the public in the event of a bioterrorist attack. C.S.H.B. 627 establishes a method for the temporary implementation of an area quarantine for an introduction of an environmental or toxic agent. Also C.S.H.B. 627 creates a penalty for the violation of the conditions imposed by the Commissioner of Public Health (Commissioner) or a Health authority who has established a quarantine under the terms of this Act.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill defines "Environmental or toxic agent" and "Health authority."

The conditions in the bill apply to any circumstance in which an environmental or toxic agent is introduced into the environment, including an act of terrorism.

If the Commissioner or one or more Health authorities determines that the introduction of an environmental or toxic agent into the environment has occurred, the Commissioner or authorities may impose an area quarantine in the same manner as provided in Section 81.085, Health and Safety Code. The area quarantine must be accomplished by the least restrictive means necessary to protect public health.

A quarantine imposed by a health authority expires at the earlier of 1) after 24 hours or 2) the time that appropriate action to terminate the quarantine or impose superseding requirements is taken under Chapter 418, Government Code, or is taken by the Commissioner.

The bill imposes a criminal penalty if a person knowingly fails, or refuses to obey an order or instruction of the Commissioner or a health authority published during an area quarantine under this section. The offense is a felony of the third degree.

EFFECTIVE DATE - If the Act does not receive the necessary vote for immediate effect, the Act takes effect on September 1, 2003.

COMPARISON OF THE ORIGINAL TO SUBSTITUTE

The substitute modifies the original bill by clarifying the definition of a health authority and defining the introduction environmental or toxic agent.

The substitute modifies the original bill by adding an applicability clause to apply to circumstances of environmental or toxic agents being introduced into the environment, include acts of terrorism. This addition into the substitute further changes the numbering of the original bill.

The substitute modifies the original bill by adding that the Commissioner or a health authority may determine that introduction of an environmental or toxic agent has been introduced into the environment and then the Commissioner or authorities may declare an area quarantine under the conditions of the bill.

The substitute modifies the original version of the bill by putting limitations of the length of time of a declared quarantine.

The substitute modifies the original version of the bill by changing the criminal penalty to make it a violation to knowingly fail, or refuse to obey an order or instruction of the Commissioner or a health authority issued under the provisions of this act and published during an area quarantine.