

By: Schwertner, et al.

S.B. No. 538

A BILL TO BE ENTITLED

AN ACT

relating to the control of infectious diseases.

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

SECTION 1. Chapter 418, Government Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. STATE OF INFECTIOUS DISEASE EMERGENCY

Sec. 418.031. DECLARATION OF STATE OF INFECTIOUS DISEASE EMERGENCY. (a) The governor by executive order or proclamation may declare a state of infectious disease emergency if the governor, in consultation with the commissioner of state health services and the division, finds that an infectious disease poses an imminent risk to the health and safety of the citizens of this state.

(b) The state of infectious disease emergency continues until the governor:

(1) finds that there is no longer an imminent risk to the health and safety of the citizens of this state; and

(2) terminates the state of emergency by executive order.

(c) An executive order or proclamation issued under this section must include the name of the communicable disease and a description of the threat to public health and safety.

(d) An executive order or proclamation shall be disseminated promptly by means intended to bring its contents to the attention of the general public. An order or proclamation

1 shall be filed promptly with the division and the secretary of
2 state.

3 Sec. 418.032. EFFECT OF DECLARATION. (a) An executive
4 order or proclamation declaring a state of infectious disease
5 emergency gives the commissioner of state health services authority
6 for all state and local public health policy decisions, procedures,
7 and disease control measures necessary to contain the infectious
8 disease emergency.

9 (b) The Department of State Health Services shall issue
10 specific statewide preparedness guidelines and procedures for
11 local health and emergency management authorities in the case of a
12 state of infectious disease emergency.

13 Sec. 418.033. RULES. The executive commissioner of the
14 Health and Human Services Commission may adopt rules necessary for
15 carrying out the purposes of this subchapter.

16 SECTION 2. Section 81.008, Health and Safety Code, is
17 amended to read as follows:

18 Sec. 81.008. COMMUNICABLE DISEASE IN ANIMALS; EXCHANGE OF
19 INFORMATION. (a) If the department or a local health authority has
20 reasonable cause to believe that an animal has been infected with,
21 has been exposed to, or is the carrier of a communicable disease,
22 the department or local health authority may obtain a sample of the
23 animal's blood or other bodily fluid to perform a test for an
24 infectious disease without:

25 (1) the permission of the animal's owner; or

26 (2) a control order under Section 81.084.

27 (b) The Texas Animal Health Commission and the Texas A&M

1 University Veterinary Diagnostic Laboratory shall each adopt by
2 rule a memorandum of understanding with the department to exchange
3 information on communicable diseases in animals.

4 SECTION 3. Section 81.046, Health and Safety Code, is
5 amended by amending Subsection (b) and adding Subsection (f-1) to
6 read as follows:

7 (b) Reports, records, and information relating to cases or
8 suspected cases of diseases or health conditions are not public
9 information under Chapter 552, Government Code, and may not be
10 released or made public on subpoena or otherwise except as provided
11 by Subsections (c), (d), ~~and~~ (f), and (f-1).

12 (f-1) The department may release to first responders the
13 name and basic contact information of a person if:

14 (1) the department reasonably believes that the person
15 is infected with, has been exposed to, or is the carrier of a
16 communicable disease; and

17 (2) the communicable disease poses a serious health
18 risk to first responders that do not wear the appropriate personal
19 protective equipment.

20 SECTION 4. Section 81.083, Health and Safety Code, is
21 amended by amending Subsections (a), (b), and (e) and adding
22 Subsection (d-1) to read as follows:

23 (a) Any person, including a physician, who examines or
24 treats an individual who has a communicable disease, or, the
25 department or a local health authority, shall instruct the
26 individual about:

27 (1) measures for preventing reinfection and spread of

1 the disease; and

2 (2) the necessity for treatment until the individual
3 is cured or free from the infection.

4 (b) If the department or a health authority has reasonable
5 cause to believe that an individual is infected [~~ill~~] with, has been
6 exposed to, or is the carrier of a communicable disease, the
7 department or health authority may order the individual, or the
8 individual's parent, legal guardian, or managing conservator if the
9 individual is a minor, to implement control measures that are
10 reasonable and necessary to prevent the introduction,
11 transmission, and spread of the disease in this state. The order
12 may require the individual to remain in a health care facility or
13 other location, including the individual's home.

14 (d-1) A peace officer, including a sheriff or constable, may
15 use reasonable force to:

16 (1) secure an individual subject to an order issued
17 under Subsection (b); and

18 (2) except as directed by the department or the health
19 authority, prevent the individual from leaving the facility or
20 other location designated in the order.

21 (e) An individual may be subject to emergency detention
22 under Section 81.0891 or court orders under Subchapter G if the
23 individual is infected with, has been exposed to, or is the carrier
24 of or is reasonably suspected of being infected with, having been
25 exposed to, or being the carrier of a communicable disease that
26 presents an immediate threat to the public health and:

27 (1) the individual, or the individual's parent, legal

1 guardian, or managing conservator if the individual is a minor,
2 does not comply with the written orders of the department or a
3 health authority under this section; or

4 (2) a public health disaster exists, regardless of
5 whether the department or health authority has issued a written
6 order and the individual has indicated that the individual will not
7 voluntarily comply with control measures.

8 SECTION 5. Sections 81.086(b), (c), and (i), Health and
9 Safety Code, are amended to read as follows:

10 (b) If the department or health authority has reasonable
11 cause to believe that a carrier or conveyance has departed from or
12 traveled through an area infected or contaminated with a
13 communicable disease or that an individual transported by the
14 carrier or conveyance is infected with, has been exposed to, or is
15 the carrier of a communicable disease, the department or health
16 authority may order the owner, operator, or authorized agent in
17 control of the carrier or conveyance to:

18 (1) stop the carrier or conveyance at a port of entry
19 or place of first landing or first arrival in this state; and

20 (2) provide information on passengers and cargo
21 manifests that includes the details of:

22 (A) any illness suspected of being communicable
23 that occurred during the journey;

24 (B) any condition on board the carrier or
25 conveyance during the journey that may lead to the spread of
26 disease; and

27 (C) any control measures imposed on the carrier

1 or conveyance, its passengers or crew, or its cargo or any other
2 object on board during the journey.

3 (c) The department or health authority may impose necessary
4 technically feasible control measures under Section 81.083 or
5 81.084 to prevent the introduction and spread of communicable
6 disease in this state if the department or health authority, after
7 inspection, has reasonable cause to believe that a carrier or
8 conveyance:

9 (1) ~~that~~ has departed from or traveled through an
10 infected or contaminated area and:

11 (A) ~~(1)~~ is or may be infected or contaminated
12 with a communicable disease; or

13 (B) ~~(2)~~ has cargo or an object on board that is
14 or may be infected or contaminated with a communicable disease; or

15 (2) ~~(3)~~ has an individual on board who is infected
16 with, has been exposed to, or is the carrier of~~(7)~~ a communicable
17 disease.

18 (i) The department or health authority may require an
19 individual transported by carrier or conveyance who the department
20 or health authority has reasonable cause to believe is infected
21 with, has been exposed to, or is the carrier of a communicable
22 disease to be isolated from other travelers and to disembark with
23 the individual's personal effects and baggage at the first location
24 equipped with adequate investigative and disease control
25 facilities, whether the person is in transit through this state or
26 to an intermediate or ultimate destination in this state. The
27 department or health authority may investigate and, if necessary,

1 isolate or involuntarily hospitalize the individual until the
2 department or health authority approves the discharge as authorized
3 by Section 81.083.

4 SECTION 6. Subchapter E, Chapter 81, Health and Safety
5 Code, is amended by adding Sections 81.0891, 81.0892, 81.0893,
6 81.0894, and 81.0895 to read as follows:

7 Sec. 81.0891. EMERGENCY DETENTION OF INDIVIDUAL SUBJECT TO
8 CONTROL ORDER. (a) A peace officer, without a warrant, may take an
9 individual into custody if the officer has reason to believe and
10 does believe that:

11 (1) the individual is subject to a written control
12 order under Section 81.083;

13 (2) the individual, or the individual's parent, legal
14 guardian, or managing conservator if the individual is a minor, is
15 not complying with or does not intend to comply with the control
16 order; and

17 (3) there is a substantial risk of serious harm to
18 others unless the individual is immediately detained.

19 (b) A substantial risk of serious harm to others under
20 Subsection (a)(3) may be demonstrated by:

21 (1) a previous violation of a control order by the
22 individual or, if the individual is a minor, the individual's
23 parent, legal guardian, or managing conservator;

24 (2) evidence of illness and deterioration of the
25 person's physical condition to the extent that the person cannot
26 remain at liberty; or

27 (3) information provided to the peace officer by the

1 local health authority or the department.

2 (c) The peace officer may form the belief that the
3 individual may be subject to emergency detention under this
4 section:

5 (1) on information and belief from a credible person,
6 including a local health authority or the department; or

7 (2) on the basis of the conduct of the individual or
8 the circumstances under which the individual is found.

9 (d) A peace officer who takes an individual into custody
10 under Subsection (a) shall immediately transport the individual to:

11 (1) the nearest appropriate health facility; or

12 (2) a location considered suitable by the department
13 or local health authority, including the individual's home.

14 (e) A peace officer who takes an individual into custody
15 under Subsection (a) shall immediately inform the individual orally
16 in simple, nontechnical terms:

17 (1) of the reason for the detention; and

18 (2) that a staff member of the facility, or the
19 department or local health authority if the individual is detained
20 at a location under Subsection (d)(2), will inform the individual
21 of the individual's rights under Section 81.0895 not later than 24
22 hours after the time the individual is taken into custody under this
23 section.

24 Sec. 81.0892. PEACE OFFICER'S NOTIFICATION OF DETENTION.

25 (a) A peace officer shall immediately file with a facility, or the
26 local health authority or the department if the individual is
27 detained at a location under Section 81.0891(d)(2), a notification

1 of detention after transporting an individual to that facility or
2 location under Section 81.0891.

3 (b) The notification of detention must contain:

4 (1) a statement that the officer has reason to believe
5 and does believe that:

6 (A) the individual is the subject of a
7 communicable disease control order under Section 81.083;

8 (B) the individual, or the individual's parent,
9 legal guardian, or managing conservator if the individual is a
10 minor, is not complying with or does not intend to comply with the
11 control order;

12 (C) the individual evidences a substantial risk
13 of serious harm to others; and

14 (D) the risk of harm is imminent unless the
15 person is immediately detained;

16 (2) a statement that the officer's beliefs are based on
17 specific recent behavior, overt acts, attempts, statements, or
18 threats that were observed by or reliably reported to the officer;
19 and

20 (3) a detailed description of the specific behavior,
21 overt acts, attempts, statements, or threats and, if applicable,
22 the name of the person who reported or observed the behavior, acts,
23 attempts, statements, or threats.

24 (c) If the individual is detained at a facility under
25 Section 81.0891(d)(1), the facility in which the individual is
26 detained shall include in the detained individual's file the
27 notification of detention described by this section.

1 (d) The peace officer shall give the notification of
2 detention on the following form:

3 Notification--Communicable Disease Emergency Detention

4 NO. _____

5 DATE: _____ TIME: _____

6 THE STATE OF TEXAS

7 FOR THE BEST INTEREST AND PROTECTION OF:

8 _____

9 NOTIFICATION OF COMMUNICABLE DISEASE EMERGENCY DETENTION

10 Now comes _____, a peace officer with
11 (name of agency) _____, of the State of
12 Texas, and states as follows:

13 1. I have reason to believe and do believe that (name of individual
14 to be detained) _____ is the subject of a
15 control order issued under Section 81.083, Health and Safety Code.

16 2. I have reason to believe and do believe that the above-named
17 individual (or, if applicable, the minor individual's parent, legal
18 guardian, or managing conservator) is not complying with or does
19 not intend to comply with the control order based on the following:

20 _____
21 _____
22 _____
23 _____

1 3. I have reason to believe and do believe that the above-named
2 individual evidences a substantial risk of serious harm to others
3 based on the following:

4 _____
5 _____
6 _____
7 _____

8 4. I have reason to believe and do believe that the risk of harm is
9 imminent unless the above-named individual is immediately
10 detained.

11 5. My beliefs are based on the following recent behavior, overt
12 acts, attempts, statements, or threats observed by me or reliably
13 reported to me:

14 _____
15 _____
16 _____
17 _____

18 6. The names and addresses of those persons who reported or
19 observed recent behavior, overt acts, attempts, statements, or
20 threats of the above-named person are (if applicable):

21 _____
22 _____
23 _____
24 _____

25 For the above reasons, I present this notification to (name of

1 facility or local health authority or department)
2 _____ for the detention of (name of individual
3 to be detained) _____.

4 7. Was the individual restrained in any way? Yes No

5 _____ BADGE NO. _____

6 PEACE OFFICER'S SIGNATURE

7 Address: _____ Zip Code: _____

8 Telephone: _____

9 (e) A health facility, local health authority, or the
10 department may not require a peace officer to execute any form other
11 than the form provided by Subsection (d) as a condition of accepting
12 for temporary admission an individual detained under Section
13 81.0891.

14 Sec. 81.0893. ACCEPTANCE OF PERSON. A facility shall
15 temporarily accept an individual for whom a peace officer files a
16 notification of detention under Section 81.0892(a).

17 Sec. 81.0894. RELEASE FROM DETENTION. (a) An individual
18 detained under Section 81.0891 may be detained in custody for not
19 longer than 48 hours after the time the individual is presented to
20 the facility or location unless a written order for further custody
21 or detention is obtained under Subchapter G.

22 (b) If the 48-hour period ends on a Saturday, Sunday, legal
23 holiday, or before 4 p.m. on the first succeeding business day, the
24 individual may be detained until 4 p.m. on the first succeeding
25 business day. If the 48-hour period ends at a different time, the

1 individual may be detained only until 4 p.m. on the day the 48-hour
2 period ends.

3 (c) If extremely hazardous weather conditions exist or a
4 disaster occurs, the presiding judge or magistrate may, by written
5 order made each day, extend by an additional 24 hours the period
6 during which the individual may be detained. The written order must
7 declare that an emergency exists because of the weather or the
8 occurrence of a disaster.

9 Sec. 81.0895. RIGHTS OF INDIVIDUALS DETAINED. (a) An
10 individual subject to emergency detention under Section 81.0891 has
11 the right:

12 (1) to be advised of the location of detention, the
13 reasons for the detention, and the fact that the detention could
14 result in a longer period of court-ordered management;

15 (2) to a reasonable opportunity to communicate with
16 and retain an attorney;

17 (3) to be released from a facility as provided by
18 Section 81.0894;

19 (4) to be advised that communications with a health
20 professional, local health authority, or the department may be used
21 in proceedings for further detention; and

22 (5) to a reasonable opportunity to communicate with a
23 relative or other responsible person who has a proper interest in
24 the individual's welfare.

25 (b) An individual detained under Section 81.0891 must, not
26 later than 24 hours after the time the individual is admitted to a
27 facility or detained in another location, be informed of the rights

1 provided by this section and this subchapter:

2 (1) orally in simple, nontechnical terms and in
3 writing in the person's primary language, if possible; or

4 (2) through the use of a means reasonably calculated
5 to communicate with a hearing or visually impaired individual, if
6 applicable.

7 (c) The executive commissioner of the Health and Human
8 Services Commission by rule shall prescribe the manner in which the
9 individual is informed of the individual's rights under this
10 subchapter.

11 SECTION 7. Section 81.152(c), Health and Safety Code, is
12 amended to read as follows:

13 (c) Any application must contain the following information
14 according to the applicant's information and belief:

15 (1) the person's name and address;

16 (2) the person's county of residence in this state;

17 (3) a statement that the person is infected with, has
18 been exposed to, or is the carrier of or is reasonably suspected of
19 being infected with, having been exposed to, or being the carrier of
20 a communicable disease that presents a threat to public health and
21 that the person meets the criteria of this chapter for court orders
22 for the management of a person with a communicable disease; and

23 (4) a statement, to be included only in an application
24 for inpatient treatment, that the person fails or refuses to comply
25 with written orders of the department or health authority under
26 Section 81.083, if applicable.

27 SECTION 8. Section 81.158(a), Health and Safety Code, is

1 amended to read as follows:

2 (a) An affidavit of medical evaluation must be dated and
3 signed by the commissioner or the commissioner's designee, or by a
4 health authority with the concurrence of the commissioner or the
5 commissioner's designee. The certificate must include:

6 (1) the name and address of the examining physician,
7 if applicable;

8 (2) the name and address of the person examined or to
9 be examined;

10 (3) the date and place of the examination, if
11 applicable;

12 (4) a brief diagnosis of the examined person's
13 physical and mental condition, if applicable;

14 (5) the period, if any, during which the examined
15 person has been under the care of the examining physician;

16 (6) an accurate description of the health treatment,
17 if any, given by or administered under the direction of the
18 examining physician; and

19 (7) the opinion of the health authority or department
20 and the reason for that opinion, including laboratory reports,
21 that:

22 (A) the examined person is infected with, has
23 been exposed to, or is the carrier of or is reasonably suspected of
24 being infected with, having been exposed to, or being the carrier of
25 a communicable disease that presents a threat to public health; and

26 (B) as a result of that communicable disease the
27 examined person:

1 (i) is likely to cause serious harm to
2 himself; or

3 (ii) will, if not examined, observed, or
4 treated, continue to endanger public health.

5 SECTION 9. Section 81.162(a), Health and Safety Code, is
6 amended to read as follows:

7 (a) The judge or designated magistrate may issue a
8 protective custody order if the judge or magistrate determines:

9 (1) that the health authority or department has stated
10 its opinion and the detailed basis for its opinion that the person
11 is infected with, has been exposed to, or is the carrier of or is
12 reasonably suspected of being infected with, having been exposed
13 to, or being the carrier of a communicable disease that presents an
14 immediate threat to the public health; and

15 (2) that the person fails or refuses to comply with the
16 written orders of the health authority or the department under
17 Section 81.083, if applicable.

18 SECTION 10. Section 81.165(a), Health and Safety Code, is
19 amended to read as follows:

20 (a) A hearing must be held to determine if:

21 (1) there is probable cause to believe that a person
22 under a protective custody order presents a substantial risk of
23 serious harm to the person [~~himself~~] or others to the extent that
24 the person cannot be at liberty pending the hearing on a court order
25 for the management of a person with a communicable disease; and

26 (2) the health authority or department has stated its
27 opinion and the detailed basis for its opinion that the person is

1 infected with, has been exposed to, or is the carrier of or is
2 reasonably suspected of being infected with, having been exposed
3 to, or being the carrier of a communicable disease that presents an
4 immediate threat to public health.

5 SECTION 11. Section 81.166(d), Health and Safety Code, is
6 amended to read as follows:

7 (d) The notification of probable cause hearing shall read as
8 follows:

9 (Style of Case)

10 NOTIFICATION OF PROBABLE CAUSE HEARING

11 On this the _____ day of _____, 20 [~~19~~], the
12 undersigned hearing officer heard evidence concerning the need for
13 protective custody of _____ (hereinafter referred to as
14 proposed patient). The proposed patient was given the opportunity
15 to challenge the allegations that (s)he presents a substantial risk
16 of serious harm to self or others.

17 The proposed patient and his or her attorney
18 _____ have been given written notice that the
19 proposed patient was placed under an order of protective custody
20 and the reasons for such order on _____ (date of notice).

21 I have examined the affidavit of medical evaluation and
22 _____ (other evidence considered). Based on this
23 evidence, I find that there is probable cause to believe that the
24 proposed patient presents a substantial risk of serious harm to
25 himself or herself (yes ___ or no ___) or others (yes ___ or no
26 ___) such that (s)he cannot be at liberty pending final hearing
27 because (s)he is infected with, has been exposed to, or is the

1 carrier of or is reasonably suspected of being infected with,
2 having been exposed to, or being the carrier of a communicable
3 disease that presents an immediate threat to the public health and
4 (s)he has failed or refused to comply with the orders of the health
5 authority or the Texas Department of Health delivered on _____
6 (date of service) _____.

7 SECTION 12. Section 81.170(f), Health and Safety Code, is
8 amended to read as follows:

9 (f) The jury shall determine if the person is infected with,
10 has been exposed to, or is the carrier of or is reasonably suspected
11 of being infected with, having been exposed to, or being the carrier
12 of a communicable disease that presents a threat to the public
13 health and, if the application is for inpatient treatment, has
14 refused or failed to follow the orders of the health authority. The
15 jury may not make a finding about the type of services to be
16 provided to the person.

17 SECTION 13. Section 81.171(a), Health and Safety Code, is
18 amended to read as follows:

19 (a) The court shall enter an order denying an application
20 for a court order for temporary or extended management if after a
21 hearing the judge or jury fails to find, from clear and convincing
22 evidence, that the person:

23 (1) is infected with, has been exposed to, or is the
24 carrier of or is reasonably suspected of being infected with,
25 having been exposed to, or being the carrier of a communicable
26 disease that presents a threat to the public health;

27 (2) has refused or failed to follow the orders of the

1 health authority if the application is for inpatient treatment; and

2 (3) meets the applicable criteria for orders for the
3 management of a person with a communicable disease.

4 SECTION 14. Section 81.172(a), Health and Safety Code, is
5 amended to read as follows:

6 (a) The judge or jury may determine that a person requires
7 court-ordered examination, observation, isolation, or treatment
8 only if the judge or jury finds, from clear and convincing evidence,
9 that:

10 (1) the person is infected with, has been exposed to,
11 or is the carrier of or is reasonably suspected of being infected
12 with, having been exposed to, or being the carrier of a communicable
13 disease that presents a threat to the public health and, if the
14 application is for inpatient treatment, has failed or refused to
15 follow the orders of the health authority or department; and

16 (2) as a result of the communicable disease the
17 person:

18 (A) is likely to cause serious harm to himself;
19 or

20 (B) will, if not examined, observed, isolated, or
21 treated, continue to endanger public health.

22 SECTION 15. Section 81.174(a), Health and Safety Code, is
23 amended to read as follows:

24 (a) The judge shall dismiss the jury, if any, after a
25 hearing in which a person is found:

26 (1) to be infected with, to have been exposed to, or to
27 be the carrier of or to be reasonably suspected of being infected

1 with, having been exposed to, or being a carrier of a communicable
2 disease;

3 (2) to have failed or refused to follow the orders of a
4 health authority or the department if the application is for
5 inpatient treatment; and

6 (3) to meet the criteria for orders for the management
7 of a patient with a communicable disease.

8 SECTION 16. Chapter 81, Health and Safety Code, is amended
9 by adding Subchapters J and K to read as follows:

10 SUBCHAPTER J. TASK FORCE ON INFECTIOUS DISEASE PREPAREDNESS AND
11 RESPONSE

12 Sec. 81.401. DEFINITION. In this subchapter, "task force"
13 means the Task Force on Infectious Disease Preparedness and
14 Response.

15 Sec. 81.402. PURPOSE AND FINDINGS. The legislature finds
16 that:

17 (1) infectious diseases are responsible for more
18 deaths worldwide than any other single cause;

19 (2) the State of Texas has a responsibility to
20 safeguard and protect the health and well-being of its citizens
21 from the spread of infectious diseases;

22 (3) on September 30, 2014, the first case of Ebola
23 diagnosed in the United States occurred in Dallas, Texas;

24 (4) addressing infectious diseases requires the
25 coordination and cooperation of multiple governmental entities at
26 the local, state, and federal levels;

27 (5) public health and medical preparedness and

1 response guidelines are crucial to protect the safety and welfare
2 of our citizens; and

3 (6) Texas has nationally recognized infectious
4 disease experts and other highly trained professionals across the
5 state with the experience needed to minimize any potential risk to
6 the people of Texas.

7 Sec. 81.403. TASK FORCE; DUTIES. (a) The Task Force on
8 Infectious Disease Preparedness and Response is created as an
9 advisory panel to the governor.

10 (b) The task force shall:

11 (1) provide expert, evidence-based assessments,
12 protocols, and recommendations related to state responses to
13 infectious diseases, including Ebola; and

14 (2) serve as a reliable and transparent source of
15 information and education for Texas leadership and citizens.

16 Sec. 81.404. APPOINTMENT OF MEMBERS; TERMS. (a) The
17 governor may appoint members of the task force as necessary,
18 including members from relevant state agencies, members with
19 expertise in infectious diseases and other issues involved in the
20 prevention of the spread of infectious diseases, and members from
21 institutions of higher education in this state.

22 (b) The governor shall appoint a director of the task force
23 from among the members of the task force.

24 (c) The governor may fill any vacancy that occurs on the
25 task force and may appoint additional members as needed.

26 (d) Members of the task force serve at the pleasure of the
27 governor.

1 (e) A state or local employee appointed to the task force
2 shall perform any duties required by the task force in addition to
3 the regular duties of the employee.

4 Sec. 81.405. REPORTS. The task force may make written
5 reports on its findings and recommendations, including legislative
6 recommendations, to the governor and legislature.

7 Sec. 81.406. MEETINGS. (a) The task force shall meet at
8 times and locations as determined by the director of the task force.

9 (b) The task force may meet telephonically.

10 (c) The task force may hold public hearings to gather
11 information. The task force shall endeavor to meet in various parts
12 of the state to encourage local input.

13 (d) The task force may meet in executive session to discuss
14 matters that are confidential by state or federal law or to ensure
15 public security or law enforcement needs.

16 Sec. 81.407. ADMINISTRATIVE SUPPORT. State agencies with
17 members on the task force shall provide administrative support for
18 the task force.

19 Sec. 81.408. REIMBURSEMENT. Task force members serve
20 without compensation and are not entitled to reimbursement for
21 travel expenses.

22 SUBCHAPTER K. STATEWIDE INFECTIOUS DISEASE CONTROL MEASURES;

23 PREPARATION

24 Sec. 81.451. PERSONAL PROTECTIVE EQUIPMENT. (a) In this
25 section, "personal protective equipment" means specialized
26 clothing or equipment worn for protection against infectious
27 materials.

1 (b) The department shall establish a stockpile, or regional
2 stockpiles, of personal protective equipment to support responses
3 to infectious disease emergencies in the state, if funds are
4 appropriated for the purposes of this section.

5 Sec. 81.452. MOBILE APPLICATION. The department may
6 contract to establish a mobile application for wireless
7 communications devices that might be used by health officials and
8 health care providers to monitor the spread of an infectious
9 disease in real time.

10 Sec. 81.453. PORTABLE MEDICAL WASTE TREATMENT. The
11 department, the Texas Department of Transportation, and the Texas
12 Commission on Environmental Quality shall:

13 (1) evaluate portable treatment options for medical
14 waste to render pathogens in that waste noninfectious; and

15 (2) develop procedures to rapidly deploy the portable
16 treatment options through vendor contracts or state purchase.

17 SECTION 17. Subchapter B, Chapter 716, Health and Safety
18 Code, is amended by adding Section 716.055 to read as follows:

19 Sec. 716.055. EXCEPTION: DEPARTMENT OF STATE HEALTH
20 SERVICES AUTHORIZATION. (a) A crematory establishment may cremate
21 the deceased person's human remains without receipt of a cremation
22 authorization form signed by the authorizing agent if the
23 Department of State Health Services certifies that:

24 (1) the deceased person was infected with, was exposed
25 to, or was a carrier of a communicable disease that presents a
26 threat to public health; and

27 (2) burial of the body would pose a public health risk.

1 (b) The executive commissioner of the Health and Human
2 Services Commission may adopt rules necessary to implement this
3 section.

4 SECTION 18. The heading to Section 716.204, Health and
5 Safety Code, is amended to read as follows:

6 Sec. 716.204. IMMUNITY FROM CRIMINAL AND CIVIL LIABILITY[~~+~~
7 ~~WRITTEN DIRECTIONS~~].

8 SECTION 19. Section 716.204, Health and Safety Code, is
9 amended by adding Subsection (c) to read as follows:

10 (c) If Section 716.055(a) applies, a cemetery organization,
11 a business operating a crematory or columbarium, a funeral
12 director, an embalmer, or a funeral establishment is not criminally
13 liable or liable in a civil action for cremating the human remains
14 of a deceased person.

15 SECTION 20. The Department of State Health Services, the
16 Texas Animal Health Commission, the Texas A&M Veterinary Diagnostic
17 Laboratory, and the Texas A&M College of Veterinary Medicine and
18 Biomedical Sciences shall:

19 (1) review documents published or updated by the
20 federal Centers for Disease Control and Prevention providing
21 guidance on infection control measures, including quarantine, for
22 pets and livestock animals exposed to infectious diseases;

23 (2) incorporate the recommendations of the federal
24 Centers for Disease Control and Prevention in developing and
25 revising guidelines for this state to use in preventing the spread
26 of infectious disease through pets and livestock;

27 (3) evaluate the current facilities and capabilities

1 of this state to implement the guidelines adopted under Subdivision
2 (2) of this section, including an evaluation of the sufficiency and
3 capacity of available quarantine facilities;

4 (4) solicit public feedback in developing any
5 recommendations for legislative, administrative, or executive
6 action to address perceived problems; and

7 (5) submit a report on any findings, evaluations, and
8 recommendations to the governor and the legislature not later than
9 December 1, 2016.

10 SECTION 21. (a) Not later than December 1, 2015, the
11 Department of State Health Services shall submit a report to the
12 legislature regarding the preparedness of this state for containing
13 an infectious disease outbreak.

14 (b) The report under this section must include:

15 (1) any progress that the department has made on
16 implementing recommendations of the Task Force on Infectious
17 Disease Preparedness and Response;

18 (2) recommendations for statutory changes that are
19 necessary to enable the department to implement the recommendations
20 of the Task Force on Infectious Disease Preparedness and Response;

21 (3) a cost analysis for the implementation of any
22 recommendations of the Task Force on Infectious Disease
23 Preparedness and Response that the department determines are not
24 possible to implement using existing resources;

25 (4) an evaluation of portable medical waste treatment
26 options under Section 81.453, Health and Safety Code, as added by
27 this Act, proposed procedures for deploying the portable treatment

1 options, any projected costs for those treatments, and any
2 legislative recommendations necessary to implement any proposed
3 portable medical waste treatment solutions; and

4 (5) any recommendations for legislation or other
5 measures that would assist the department in preparing for an
6 infectious disease outbreak.

7 (c) The Department of State Health Services shall
8 coordinate with other state agencies as necessary to complete the
9 report under this section. The report must specify if the
10 department determines that a recommendation be implemented by
11 another state agency.

12 SECTION 22. On the effective date of this Act, a member
13 serving on the Task Force on Infectious Disease Preparedness and
14 Response created by executive order of the governor continues to
15 serve on the Task Force on Infectious Disease Preparedness and
16 Response under Subchapter J, Chapter 81, Health and Safety Code, as
17 added by this Act.

18 SECTION 23. This Act takes effect immediately if it
19 receives a vote of two-thirds of all the members elected to each
20 house, as provided by Section 39, Article III, Texas Constitution.
21 If this Act does not receive the vote necessary for immediate
22 effect, this Act takes effect September 1, 2015.