

## **BILL ANALYSIS**

Senate Research Center  
87R8402 JG-F

S.B. 1313  
By: Hall  
Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Texas law allows the government to implement certain public health control measures, such as immunization, preventive therapy, and quarantine, upon individuals in this state. Interested parties contend that if government has the power to impose these types of measures, it is only an incremental step to impose mandates for things such as medical treatments, examinations, specimen collections, contract tracing, or vaccination in the absence of specific legal protections.

S.B. 1313 allows individuals to refuse control measures such as immunization and testing for a communicable disease and to choose quarantine instead. In addition, the bill also requires quarantine to be authorized by court order and to utilize the least restrictive means possible.

S.B. 1313 expands upon current Texas law that allows an individual to decline medical treatment and authorizes an individual to decline medical treatment for a child as well. It also removes the requirement that an individual must be an adherent to a specific faith group to be able to decline a medical procedure.

As proposed, S.B. 1313 amends current law relating to the right to choose and refuse medical treatment and control measures and to the imposition of isolation or quarantine control measures.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Section 81.009, Health and Safety Code, to read as follows:

Sec. 81.009. EXEMPTION FROM MEDICAL TREATMENT; RIGHT TO CHOOSE OR REFUSE MEDICAL TREATMENT AND CONTROL MEASURES.

SECTION 2. Amends Section 81.009, Health and Safety Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Provides that Chapter 81 (Communicable Diseases) does not authorize or require the medical treatment of an individual who chooses treatment by prayer or spiritual means. Authorizes the individual, however, to be isolated or quarantined from the public, rather than in an appropriate facility, and requires the individual to obey the rules, orders, and instructions of the Department of State Health Services (DSHS) or health authority while in isolation or quarantine. Deletes existing text specifying that the individual who chooses treatment by prayer or spiritual means is doing so as part of the tenets and practices of a recognized church of which the individual is an adherent or member.

(c) Provides that, notwithstanding any other law, an individual retains the right to choose and make decisions regarding the medical treatment provided to the individual or the individual's child and the right to refuse certain medical procedures, treatments, and actions.

SECTION 3. Amends Subchapter E, Chapter 81, Health and Safety Code, by adding Section 81.0825, as follows:

Sec. 81.0825. REQUIREMENTS FOR IMPOSITION OF CONTROL MEASURES INVOLVING ISOLATION OR QUARANTINE FOR INDIVIDUAL OR GROUP. (a) Requires DSHS or a health authority, before ordering an individual or a group of individuals to implement control measures under Section 81.083 (Application of Control Measures to Individual) or 81.085 (Area Quarantine; Criminal Penalty) that involve isolation or quarantine, to:

(1) provide notice of the control measures to the individual or group of individuals;

(2) provide to the individual or group of individuals an opportunity to demonstrate that the implementation of control measures is not necessary; and

(3) obtain from a district court in a county in which the individual or group of individuals resides, is located, or is receiving court-ordered health services a court order authorizing DSHS or health authority to order the individual or group of individuals to implement control measures.

(b) Requires DSHS or a health authority, in order to obtain a court order under Subsection (a)(3), to demonstrate to the court by clear and convincing evidence that the individual or group of individuals is infected with or is reasonably suspected of being infected with a communicable disease that presents a threat to public health. Requires DSHS or the health authority to submit to the court any evidence the individual or group provides to DSHS or the health authority under Subsection (a)(2).

(c) Requires DSHS or a health authority, to the greatest extent possible, in ordering an individual or group of individuals to implement control measures under Section 81.083 or 81.085 that involve isolation or quarantine, to use the least restrictive means available and allow an individual to isolate or quarantine in the individual's home or with a family member, a friend, or another individual with whom the individual is involved in a romantic relationship.

SECTION 4. Amends Sections 81.083(b) and (k), Health and Safety Code, as follows:

(b) Authorizes DSHS or a health authority, if DSHS or a health authority has reasonable cause to believe that an individual is ill with, has been exposed to, or is the carrier of a communicable disease to, subject to Section 81.0825, order the individual, or the individual's parent, legal guardian, or managing conservator if the individual is a minor, to implement control measures that are reasonable and necessary to prevent the introduction, transmission, and spread of the disease in this state.

(k) Makes a conforming change.

SECTION 5. Amends Sections 81.085(a) and (c), Health and Safety Code, as follows:

(a) Authorizes the commissioner of state health services or one or more health authorities, if an outbreak of communicable disease occurs in this state, to, subject to Section 81.0825, impose an area quarantine coextensive with the area affected.

(c) Makes a conforming change.

SECTION 6. Repealer: Section 81.009(b) (relating to the inapplicability of an exemption for medical treatment during an emergency or in an area of quarantine or after the governor declares a disaster), Health and Safety Code.

SECTION 7. Effective date: September 1, 2021.