87R8402 JG-F

By:  White H.B. No. 2760

A BILL TO BE ENTITLED

AN ACT

relating to the right to choose and refuse medical treatment and control measures and to the imposition of isolation or quarantine control measures.

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

SECTION 1.  The heading to Section 81.009, Health and Safety Code, is amended to read as follows:

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

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

(a)  This chapter does not authorize or require the medical treatment of an individual who chooses treatment by prayer or spiritual means [~~as part of the tenets and practices of a recognized church of which the individual is an adherent or member~~]. However, the individual may be isolated or quarantined from the public [~~in an appropriate facility~~] and shall obey the rules, orders, and instructions of the department or health authority while in isolation or quarantine.

(c)  Notwithstanding 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:

(1)  a medical treatment or procedure;

(2)  a medical test;

(3)  a physical or mental examination;

(4)  an immunization;

(5)  an experimental procedure or protocol;

(6)  the collection of a specimen;

(7)  participation in a tracking or tracing program;

(8)  participation in wearing a medical or other protective device;

(9)  participation in maintaining a measured distance from other individuals or animals, unless the distance is required by law or under a court order unrelated to this chapter; and

(10)  involuntary disclosure of personal data or medical information.

SECTION 3.  Subchapter E, Chapter 81, Health and Safety Code, is amended by adding Section 81.0825 to read as follows:

Sec. 81.0825.  REQUIREMENTS FOR IMPOSITION OF CONTROL MEASURES INVOLVING ISOLATION OR QUARANTINE FOR INDIVIDUAL OR GROUP. (a) Before ordering an individual or a group of individuals to implement control measures under Section 81.083 or 81.085 that involve isolation or quarantine, the department or a health authority must:

(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 the department or health authority to order the individual or group of individuals to implement control measures.

(b)  To obtain a court order under Subsection (a)(3), the department or health authority must 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. The department or health authority must submit to the court any evidence the individual or group provides to the department or health authority under Subsection (a)(2).

(c)  In ordering an individual or group of individuals to implement control measures under Section 81.083 or 81.085 that involve isolation or quarantine, the department or a health authority to the greatest extent possible must:

(1)  use the least restrictive means available; and

(2)  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.  Sections 81.083(b) and (k), Health and Safety Code, are amended to read as follows:

(b)  If the department 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, the department or health authority may, 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)  If the department or a health authority has reasonable cause to believe that a group of five or more individuals has been exposed to or infected with a communicable disease, the department or health authority may, subject to Section 81.0825, order the members of the group to implement control measures that are reasonable and necessary to prevent the introduction, transmission, and spread of the disease in this state.  If the department or health authority adopts control measures under this subsection, each member of the group is subject to the requirements of this section.

SECTION 5.  Sections 81.085(a) and (c), Health and Safety Code, are amended to read as follows:

(a)  If an outbreak of communicable disease occurs in this state, the commissioner or one or more health authorities may, subject to Section 81.0825, impose an area quarantine coextensive with the area affected. The commissioner may impose an area quarantine, if the commissioner has reasonable cause to believe that individuals or property in the area may be infected or contaminated with a communicable disease, for the period necessary to determine whether an outbreak of communicable disease has occurred. A health authority may impose the quarantine only within the boundaries of the health authority's jurisdiction.

(c)  The department may, subject to Section 81.0825, impose additional disease control measures in a quarantine area that the department considers necessary and most appropriate to arrest, control, and eradicate the threat to the public health. Absent preemptive action by the department under this chapter or by the governor under Chapter 418, Government Code (Texas Disaster Act of 1975), a health authority may impose in a quarantine area under the authority's jurisdiction additional disease control measures that the health authority considers necessary and most appropriate to arrest, control, and eradicate the threat to the public health.

SECTION 6.  Section 81.009(b), Health and Safety Code, is repealed.

SECTION 7.  This Act takes effect September 1, 2021.