By:  Klick (Senate Sponsor - Kolkhorst) H.B. No. 3366

(In the Senate - Received from the House May 10, 2021; May 12, 2021, read first time and referred to Committee on Health & Human Services; May 21, 2021, reported adversely, with favorable Committee Substitute by the following vote: Yeas 8, Nays 0; May 21, 2021, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Kolkhorst         X

Perry             X

Blanco            X

Buckingham        X

Campbell          X

Hall                        X

Miles             X

Powell            X

Seliger           X

COMMITTEE SUBSTITUTE FOR H.B. No. 3366 By:  Blanco

A BILL TO BE ENTITLED

AN ACT

relating to authorizing the electronic transmission of certain communications related to the prevention of communicable diseases.

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

SECTION 1.  Subchapter A, Chapter 81, Health and Safety Code, is amended by adding Section 81.016 to read as follows:

Sec. 81.016.  E-MAIL DELIVERY. (a) Except as provided by Subsection (b), any documents required to be delivered in person or sent by registered or certified mail under this chapter may be sent by e-mail with a read receipt requested.

(b)  To electronically issue a control measure order under this chapter, the department or a health authority, as applicable, must obtain the consent of the individual to whom the order is issued.

SECTION 2.  Sections 81.083(c) and (l), Health and Safety Code, are amended to read as follows:

(c)  An order under this section must be in writing and be delivered personally, [~~or~~] by registered or certified mail, or by e-mail with a read receipt requested to the individual or to the individual's parent, legal guardian, or managing conservator if the individual is a minor.

(l)  An order under Subsection (k) must be in writing and be delivered personally, [~~or~~] by registered or certified mail, or by e-mail with a read receipt requested to each member of the group, or the member's parent, legal guardian, or managing conservator if the member is a minor.  If the name, address, and county of residence of any member of the group is unknown at the time the order is issued, the department or health authority must publish notice in a newspaper of general circulation in the county that includes the area of the suspected exposure and any other county in which the department or health authority suspects a member of the group resides.  The notice must contain the following information:

(1)  that the department or health authority has reasonable cause to believe that a group of individuals is ill with, has been exposed to, or is the carrier of a communicable disease;

(2)  the suspected time and place of exposure to the disease;

(3)  a copy of any orders under Subsection (k);

(4)  instructions to an individual to provide the individual's name, address, and county of residence to the department or health authority if the individual knows or reasonably suspects that the individual was at the place of the suspected exposure at the time of the suspected exposure;

(5)  that the department or health authority may request that an application for court orders under Subchapter G be filed for the group, if applicable; and

(6)  that a criminal penalty applies to an individual who:

(A)  is a member of the group; and

(B)  knowingly refuses to perform or allow the performance of the control measures in the order.

SECTION 3.  Section 81.084(b), Health and Safety Code, is amended to read as follows:

(b)  The department or health authority shall send notice of its action by registered or certified mail, [~~or~~] by personal delivery, or by e-mail with a read receipt requested to the person who owns or controls the property. If the property is land or a structure or an animal or other property on the land, the department or health authority shall also post the notice on the land and at a place convenient to the public in the county courthouse. If the property is infected or contaminated as a result of a public health disaster, the department or health authority is not required to provide notice under this subsection.

SECTION 4.  Section 81.155(b), Health and Safety Code, is amended to read as follows:

(b)  A copy of the application and the written notice shall be delivered in person, [~~or~~] sent by certified mail, or sent by e-mail with a read receipt requested to:

(1)  the person's parent, if the person is a minor;

(2)  the person's appointed guardian, if the person is the subject of a guardianship; or

(3)  each managing and possessory conservator, that has been appointed for the person.

SECTION 5.  Subchapter G, Chapter 81, Health and Safety Code, is amended by adding Section 81.213 to read as follows:

Sec. 81.213.  ELECTRONIC OR FAXED SIGNATURE. For the purposes of this subchapter, an electronic signature, as defined by Section 166.002, or a faxed signature shall have the same force and effect as the use of a manual signature.

SECTION 6.  This Act takes effect September 1, 2021.

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