By:  Kolkhorst S.B. No. 966

(In the Senate - Filed March 3, 2021; March 11, 2021, read first time and referred to Committee on Health & Human Services; April 7, 2021, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; April 7, 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 S.B. No. 966 By:  Seliger

A BILL TO BE ENTITLED

AN ACT

relating to legislative oversight during a public health disaster or public health emergency, including the establishment of a legislative public health oversight board.

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

SECTION 1.  The heading to Subtitle D, Title 2, Health and Safety Code, is amended to read as follows:

SUBTITLE D. PREVENTION, CONTROL, AND REPORTS OF DISEASES; PUBLIC HEALTH DISASTERS AND EMERGENCIES

SECTION 2.  The heading to Chapter 81, Health and Safety Code, is amended to read as follows:

CHAPTER 81. COMMUNICABLE DISEASES; PUBLIC HEALTH DISASTERS; PUBLIC HEALTH EMERGENCIES

SECTION 3.  Section 81.003, Health and Safety Code, is amended by amending Subdivision (7) and adding Subdivision (7-a) to read as follows:

(7)  "Public health disaster" means:

(A)  a declaration by the governor of a state of disaster; and

(B)  a determination by the commissioner that there exists an immediate threat from a communicable disease, health condition, or chemical, biological, radiological, or electromagnetic exposure that:

(i)  poses a high risk of death or serious harm [~~long-term disability~~] to the public [~~a large number of people~~]; and

(ii)  creates a substantial risk of harmful public exposure [~~because of the disease's high level of contagion or the method by which the disease is transmitted~~].

(7-a)  "Public health emergency" means a determination by the commissioner, evidenced in an emergency order issued by the commissioner, that there exists an immediate threat from a communicable disease, health condition, or chemical, biological, radiological, or electromagnetic exposure that:

(A)  potentially poses a risk of death or severe illness or harm to the public; and

(B)  potentially creates a substantial risk of harmful exposure to the public.

SECTION 4.  The heading to Subchapter E, Chapter 81, Health and Safety Code, is amended to read as follows:

SUBCHAPTER E. CONTROL; PUBLIC HEALTH DISASTERS; PUBLIC HEALTH EMERGENCIES

SECTION 5.  Section 81.082, Health and Safety Code, is amended by amending Subsection (d) and adding Subsections (d-1) and (d-2) to read as follows:

(d)  A declaration of a public health disaster or an order of public health emergency may continue for not more than 30 days after the date the disaster or emergency is declared or ordered by the commissioner. A public health disaster or public health emergency may be renewed [~~one time~~] by the legislature or the legislative public health oversight board established under Section 81.0821 [~~commissioner~~] for an additional 30 days. Each renewal period may not exceed 30 days.

(d-1)  Notwithstanding Subsection (d), if the legislature or the legislative public health oversight board is unable to meet to consider renewing a declaration of a public health disaster or an order of a public health emergency, the declaration or order shall continue until the legislature or the board meets unless the declaration or order is terminated by the commissioner or the governor.

(d-2)  Not later than the seventh day after the date the commissioner issues an initial declaration of a public health disaster or an order of a public health emergency, the commissioner shall consult with the chairs of the standing committees of the senate and house of representatives with primary jurisdiction over public health regarding the disaster or emergency.

SECTION 6.  Subchapter E, Chapter 81, Health and Safety Code, is amended by adding Section 81.0821 to read as follows:

Sec. 81.0821.  LEGISLATIVE PUBLIC HEALTH OVERSIGHT BOARD. (a) In this section, "board" means the legislative public health oversight board established under this section.

(b)  The legislative public health oversight board is established to provide oversight for declarations of public health disasters and orders of public health emergencies issued by the commissioner under this chapter and perform other duties required by law.

(c)  The board consists of the following members:

(1)  the lieutenant governor;

(2)  the speaker of the house of representatives;

(3)  the chair of the senate committee with primary jurisdiction over public health;

(4)  the chair of the house committee with primary jurisdiction over public health;

(5)  a member of the senate appointed by the lieutenant governor; and

(6)  a member of the house appointed by the speaker.

(d)  The lieutenant governor and the speaker of the house of representatives are joint chairs of the board.

(e)  A majority of the members of the board from each house of the legislature constitutes a quorum to transact business. If a quorum is present, the board by majority vote may act on any matter within the board's jurisdiction.

(f)  The board shall meet as often as necessary to perform the board's duties. Meetings may be held at any time at the request of either chair or on written petition of a majority of the board members from each house of the legislature.

(g)  The board shall meet in Austin, except that if a majority of the board members from each house of the legislature agree, the committee may meet in any location determined by the board.

(h)  As an exception to Chapter 551, Government Code, and other law, for a meeting in Austin at which both joint chairs of the board are physically present, any number of the other board members may attend the meeting by use of telephone conference call, video conference call, or other similar telecommunication device. This subsection applies for purposes of establishing a quorum or voting or any other purpose allowing the members to fully participate in any board meeting. This subsection applies without regard to the subject or topics considered by the members at the meeting.

(i)  A board meeting held by use of telephone conference call, video conference call, or other similar telecommunication device:

(1)  is subject to the notice requirements applicable to other meetings;

(2)  must specify in the notice of the meeting the location in Austin at which the joint chairs will be physically present;

(3)  must be open to the public and audible to the public at the location specified in the notice under Subdivision (2); and

(4)  must provide two-way audio communication between all board members attending the meeting during the entire meeting, and if the two-way audio communication link with any member attending the meeting is disrupted at any time, the meeting may not continue until the two-way audio communication link is reestablished.

SECTION 7.  As soon as practicable after the effective date of this Act, the lieutenant governor and the speaker of the house of representatives shall appoint the legislative members to the legislative public health oversight board as required by Section 81.0821, Health and Safety Code, as added by this Act.

SECTION 8.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

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