By:  Gutierrez, Alvarado S.B. No. 1788

A BILL TO BE ENTITLED

AN ACT

relating to the distribution of emergency health resources by the state.

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

SECTION 1.  Chapter 161, Health and Safety Code, Subchapter A is amended by adding Section 161.0110 to read as follows:

Sec. 161.0110.  PANDEMIC VACCINE DISTRIBUTION. (a) The state shall proportionally distribute to designated providers in each county in the state any vaccine or immunizing agent received or manufactured for the purpose of responding to a pandemic, state epidemic, or public health disaster under Section 81.003, Health and Safety Code, based on:

(1)  the county population size;

(2)  the percentage of the county population currently infected compared to the state population currently infected; and

(3)  the percentage of the county population who has died as a direct or in-direct result of the disease compared to the total number of people in the state who have died as a direct or in-direct result of the disease.

(b)  If the state has a limited supply of vaccines or immunizing agents for distribution or has received an additional supply of vaccines or immunizing agents for distribution and has given priority designation to specific professions or groups of people to receive the vaccine or immunizing agent, the state shall distribute the vaccines or immunizing agents proportionally based on:

(1)  the county population size;

(2)  the percentage of the county population receiving priority designation by the state compared to the total state population receiving priority designation by the state;

(3)  the percentage of the county population currently infected compared to the state population currently infected; and

(4)  the percentage of the county population who has died as a direct or in-direct result of the disease compared to the total number of people in the state who have died as a direct or in-direct result of the disease.

(c)  Sections (a-b) only apply to counties that are located in an area with a declared disaster under Section 418.014, 418.108, Government Code, as a result of a pandemic, state epidemic, or public health disaster under Section 81.003, Health and Safety Code,.

SECTION 2.  Section 418.017, Government Code, is amended by adding subsections (d-f) to read as follows:

Sec. 418.017  USE OF PUBLIC AND PRIVATE RESOURCES. (a) The governor may use all available resources of state government and of political subdivisions that are reasonably necessary to cope with a disaster.

(b)  The governor may temporarily reassign resources, personnel, or functions of state executive departments and agencies or their units for the purpose of performing or facilitating emergency services.

(c)  The governor may commandeer or use any private property if the governor finds it necessary to cope with a disaster, subject to the compensation requirements of this chapter.

(d)  Any personal protective equipment, sanitation equipment or any other public or private resource designated for responding to a pandemic, state epidemic or public health disaster under Section 81.003, Health and Safety Code, must be proportionately distributed to each county based on:

(1)  the county population size;

(2)  the percentage of the county population currently infected compared to the state population currently infected; and

(3)  the percentage of the county population who has died as a direct or in-direct result of the disease compared to the total number of people in the state who have died as a direct or in-direct result of the disease.

(e)  If the state has a limited supply or an additional supply of personal protective equipment, sanitation equipment or any other public or private resource designated for responding to a pandemic, state epidemic or public health disaster under Section 81.003, Health and Safety Code, and has given priority designation to specific professions or groups of people to receive designated resources, the state must proportionately distributed resources to each county based on:

(1)  the county population size;

(2)  the percentage of the county population receiving priority designation by the state compared to the total state population receiving priority designation by the state;

(3)  the percentage of the county population currently infected compared to the state population currently infected; and

(4)  the percentage of the county population who has died as a direct or in-direct result of the disease compared to the total number of people in the state who have died as a direct or in-direct result of the disease.

(f)  Sections (d-e) only apply to counties that are located in an area with a declared disaster under Section 418.014, 418.108, as a result of a pandemic, state epidemic, or health crisis.

Section 3.  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.