

By: White

H.B. No. 2760

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the right to choose and refuse medical treatment and
3 control measures and to the imposition of isolation or quarantine
4 control measures.

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

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

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

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

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

21 (c) Notwithstanding other law, an individual retains the
22 right to choose and make decisions regarding the medical treatment
23 provided to the individual or the individual's child and the right
24 to refuse:

- 1 (1) a medical treatment or procedure;
- 2 (2) a medical test;
- 3 (3) a physical or mental examination;
- 4 (4) an immunization;
- 5 (5) an experimental procedure or protocol;
- 6 (6) the collection of a specimen;
- 7 (7) participation in a tracking or tracing program;
- 8 (8) participation in wearing a medical or other
9 protective device;
- 10 (9) participation in maintaining a measured distance
11 from other individuals or animals, unless the distance is required
12 by law or under a court order unrelated to this chapter; and
- 13 (10) involuntary disclosure of personal data or
14 medical information.

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

17 Sec. 81.0825. REQUIREMENTS FOR IMPOSITION OF CONTROL
18 MEASURES INVOLVING ISOLATION OR QUARANTINE FOR INDIVIDUAL OR GROUP.

19 (a) Before ordering an individual or a group of individuals to
20 implement control measures under Section 81.083 or 81.085 that
21 involve isolation or quarantine, the department or a health
22 authority must:

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

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

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

6 (b) To obtain a court order under Subsection (a)(3), the
7 department or health authority must demonstrate to the court by
8 clear and convincing evidence that the individual or group of
9 individuals is infected with or is reasonably suspected of being
10 infected with a communicable disease that presents a threat to
11 public health. The department or health authority must submit to
12 the court any evidence the individual or group provides to the
13 department or health authority under Subsection (a)(2).

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

18 (1) use the least restrictive means available; and

19 (2) allow an individual to isolate or quarantine in
20 the individual's home or with a family member, a friend, or another
21 individual with whom the individual is involved in a romantic
22 relationship.

23 SECTION 4. Sections 81.083(b) and (k), Health and Safety
24 Code, are amended to read as follows:

25 (b) If the department or a health authority has reasonable
26 cause to believe that an individual is ill with, has been exposed
27 to, or is the carrier of a communicable disease, the department or

1 health authority may, subject to Section 81.0825, order the
2 individual, or the individual's parent, legal guardian, or managing
3 conservator if the individual is a minor, to implement control
4 measures that are reasonable and necessary to prevent the
5 introduction, transmission, and spread of the disease in this
6 state.

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

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

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

1 the boundaries of the health authority's jurisdiction.

2 (c) The department may, subject to Section 81.0825, impose
3 additional disease control measures in a quarantine area that the
4 department considers necessary and most appropriate to arrest,
5 control, and eradicate the threat to the public health. Absent
6 preemptive action by the department under this chapter or by the
7 governor under Chapter 418, Government Code (Texas Disaster Act of
8 1975), a health authority may impose in a quarantine area under the
9 authority's jurisdiction additional disease control measures that
10 the health authority considers necessary and most appropriate to
11 arrest, control, and eradicate the threat to the public health.

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

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