

1-1 By: Hancock, et al. S.B. No. 6  
 1-2 (In the Senate - Filed March 10, 2021; March 11, 2021, read  
 1-3 first time and referred to Committee on Business & Commerce;  
 1-4 April 6, 2021, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 6, Nays 3; April 6, 2021,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Hancock	X			
1-9 Nichols	X			
1-10 Campbell	X			
1-11 Creighton	X			
1-12 Johnson		X		
1-13 Menéndez		X		
1-14 Paxton	X			
1-15 Schwertner	X			
1-16 Whitmire		X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 6 By: Hancock

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to liability for certain claims arising during a pandemic  
 1-22 or other disaster or emergency.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 51.014(a), Civil Practice and Remedies  
 1-25 Code, is amended to read as follows:

1-26 (a) A person may appeal from an interlocutory order of a  
 1-27 district court, county court at law, statutory probate court, or  
 1-28 county court that:

1-29 (1) appoints a receiver or trustee;

1-30 (2) overrules a motion to vacate an order that  
 1-31 appoints a receiver or trustee;

1-32 (3) certifies or refuses to certify a class in a suit  
 1-33 brought under Rule 42 of the Texas Rules of Civil Procedure;

1-34 (4) grants or refuses a temporary injunction or grants  
 1-35 or overrules a motion to dissolve a temporary injunction as  
 1-36 provided by Chapter 65;

1-37 (5) denies a motion for summary judgment that is based  
 1-38 on an assertion of immunity by an individual who is an officer or  
 1-39 employee of the state or a political subdivision of the state;

1-40 (6) denies a motion for summary judgment that is based  
 1-41 in whole or in part upon a claim against or defense by a member of  
 1-42 the electronic or print media, acting in such capacity, or a person  
 1-43 whose communication appears in or is published by the electronic or  
 1-44 print media, arising under the free speech or free press clause of  
 1-45 the First Amendment to the United States Constitution, or Article  
 1-46 I, Section 8, of the Texas Constitution, or Chapter 73;

1-47 (7) grants or denies the special appearance of a  
 1-48 defendant under Rule 120a, Texas Rules of Civil Procedure, except  
 1-49 in a suit brought under the Family Code;

1-50 (8) grants or denies a plea to the jurisdiction by a  
 1-51 governmental unit as that term is defined in Section 101.001;

1-52 (9) denies all or part of the relief sought by a motion  
 1-53 under Section 74.351(b), except that an appeal may not be taken from  
 1-54 an order granting an extension under Section 74.351;

1-55 (10) grants relief sought by a motion under Section  
 1-56 74.351(1);

1-57 (11) denies a motion to dismiss filed under Section  
 1-58 90.007;

1-59 (12) denies a motion to dismiss filed under Section  
 1-60 27.003;

2-1 (13) denies a motion for summary judgment filed by an  
 2-2 electric utility regarding liability in a suit subject to Section  
 2-3 75.0022; ~~[or]~~

2-4 (14) denies a motion filed by a municipality with a  
 2-5 population of 500,000 or more in an action filed under Section  
 2-6 54.012(6) or 214.0012, Local Government Code; or

2-7 (15) overrules an objection filed under Section  
 2-8 148.003(d) or denies all or part of the relief sought by a motion  
 2-9 under Section 148.003(f).

2-10 SECTION 2. Subchapter D, Chapter 74, Civil Practice and  
 2-11 Remedies Code, is amended by adding Section 74.155 to read as  
 2-12 follows:

2-13 Sec. 74.155. LIABILITY OF PHYSICIANS, HEALTH CARE  
 2-14 PROVIDERS, AND FIRST RESPONDERS DURING PANDEMIC. (a) In this  
 2-15 section:

2-16 (1) "Disaster declaration" means a declaration of a  
 2-17 state of disaster or emergency by the president of the United States  
 2-18 applicable to the entire state, a declaration of a state of disaster  
 2-19 by the governor under Chapter 418, Government Code, for the entire  
 2-20 state, and any amendment, modification, or extension of the  
 2-21 declaration.

2-22 (2) "First responder" has the meaning assigned by  
 2-23 Section 421.095, Government Code.

2-24 (3) "Pandemic disease" means an infectious disease  
 2-25 that spreads to a significant portion of the population of the  
 2-26 United States and that poses a substantial risk of a significant  
 2-27 number of human fatalities, illnesses, or permanent long-term  
 2-28 disabilities.

2-29 (b) Except in a case of reckless conduct or intentional,  
 2-30 wilful, or wanton misconduct, a physician, health care provider, or  
 2-31 first responder is not liable for an injury, including economic and  
 2-32 noneconomic damages, or death arising from care, treatment, or  
 2-33 failure to provide care or treatment relating to or impacted by a  
 2-34 pandemic disease or a disaster declaration related to a pandemic  
 2-35 disease if the physician, health care provider, or first responder  
 2-36 proves by a preponderance of the evidence that:

2-37 (1) a pandemic disease or disaster declaration related  
 2-38 to a pandemic disease was a producing cause of the care, treatment,  
 2-39 or failure to provide care or treatment that allegedly caused the  
 2-40 injury or death; or

2-41 (2) the individual who suffered injury or death was  
 2-42 diagnosed or reasonably suspected to be infected with a pandemic  
 2-43 disease at the time of the care, treatment, or failure to provide  
 2-44 care or treatment.

2-45 (c) Care, treatment, or failure to provide care or treatment  
 2-46 relating to or impacted by a pandemic disease or a disaster  
 2-47 declaration related to a pandemic disease under Subsection (b)  
 2-48 includes:

2-49 (1) screening, assessing, diagnosing, or treating an  
 2-50 individual who is infected or suspected of being infected with a  
 2-51 pandemic disease;

2-52 (2) prescribing, administering, or dispensing a drug  
 2-53 or medicine for off-label or investigational use to treat an  
 2-54 individual who is infected or suspected of being infected with a  
 2-55 pandemic disease;

2-56 (3) diagnosing or treating an individual who is  
 2-57 infected or suspected of being infected with a pandemic disease  
 2-58 outside the normal area of the physician's or provider's specialty,  
 2-59 if any;

2-60 (4) delaying or canceling nonurgent or elective  
 2-61 medical, surgical, or dental procedures;

2-62 (5) delaying, canceling, or not accepting in-person  
 2-63 appointments for office or clinical visits, diagnostic tests,  
 2-64 scheduled treatment, physical or occupational therapy, or any other  
 2-65 diagnosis or treatment of an illness or condition not related to a  
 2-66 pandemic disease;

2-67 (6) using medical devices, equipment, or supplies  
 2-68 outside of their normal use, including using or modifying such  
 2-69 devices, equipment, or supplies for an unapproved use, to treat an

3-1 individual who is infected or suspected of being infected with a  
3-2 pandemic disease;  
3-3 (7) conducting tests on or providing treatment to an  
3-4 individual who is infected or suspected of being infected with a  
3-5 pandemic disease outside the premises of a health care facility;  
3-6 (8) acts or omissions caused by a lack of personnel or  
3-7 staffing, facilities, medical devices, supplies, or other  
3-8 resources attributable to a pandemic disease that renders a  
3-9 physician, health care provider, or first responder unable to  
3-10 provide the same level or manner of care to any individual that  
3-11 otherwise would have been acquired in the absence of the disease;  
3-12 and  
3-13 (9) acts or omissions arising from the use or nonuse of  
3-14 personal protective equipment.  
3-15 (d) This section does not alter the scope of practice of a  
3-16 physician, health care provider, or first responder under the laws  
3-17 of this state.  
3-18 (e) A defense under this section is in addition to any other  
3-19 defense, immunity, or limitation of liability provided by law.  
3-20 This section does not constitute a waiver of sovereign immunity of  
3-21 this state or governmental immunity of a political subdivision.  
3-22 (f) A physician, health care provider, or first responder  
3-23 who intends to raise a defense under Subsection (b) must provide to  
3-24 a claimant specific facts that support an assertion under  
3-25 Subsection (b)(1) or (2) not later than the later of:  
3-26 (1) the 60th day after the date the claimant serves an  
3-27 expert report on the physician, health care provider, or first  
3-28 responder under Section 74.351; or  
3-29 (2) the 120th day after the date the physician, health  
3-30 care provider, or first responder files an original answer in the  
3-31 suit.  
3-32 (g) This section applies only to a claim arising from care,  
3-33 treatment, or failure to provide care or treatment that occurred  
3-34 during a period beginning on the date that the president of the  
3-35 United States or the governor makes a disaster declaration related  
3-36 to a pandemic disease and ending on the date the declaration  
3-37 terminates.  
3-38 SECTION 3. The heading to Section 79.0031, Civil Practice  
3-39 and Remedies Code, is amended to read as follows:  
3-40 Sec. 79.0031. LIABILITY OF [VOLUNTEER] HEALTH CARE PROVIDER  
3-41 OR HEALTH CARE INSTITUTION.  
3-42 SECTION 4. Section 79.0031, Civil Practice and Remedies  
3-43 Code, is amended by amending Subsections (a), (b), and (c) and  
3-44 adding Subsection (e) to read as follows:  
3-45 (a) In this section:  
3-46 (1) "Health care institution" has the meaning assigned  
3-47 by Section 74.001.  
3-48 (2) "Health care liability claim" has the meaning  
3-49 assigned by Section 74.001.  
3-50 (3) "Health [Volunteer health] care provider" means:  
3-51 (A) a first responder, as that term is defined by  
3-52 Section 421.095, Government Code;  
3-53 (B) a health care provider, as that term is  
3-54 defined by Section 74.001;  
3-55 (C) a physician, as that term is defined by  
3-56 Section 74.001; and  
3-57 (D) a volunteer health care provider, as that  
3-58 term is defined [has the meaning assigned] by Section 84.003,  
3-59 regardless of whether the [The term includes an] individual [who]  
3-60 is [not] affiliated with a charitable organization.  
3-61 (b) Except in the case of reckless conduct or intentional,  
3-62 wilful, or wanton misconduct, a [volunteer] health care provider is  
3-63 immune from civil liability for an act or omission that occurs in,  
3-64 or a health care liability claim that arises out of, giving care,  
3-65 assistance, or advice if:  
3-66 (1) the care, assistance, or advice is provided:  
3-67 (A) [~~1~~] in relation to an incident that is a  
3-68 man-made or natural disaster that endangers or threatens to  
3-69 endanger individuals, property, or the environment; and

4-1 (B) [~~(2)~~] within the scope of the provider's  
4-2 practice under the laws of this state; or  
4-3 (2) the care, assistance, or advice is provided:  
4-4 (A) in relation to a national or statewide health  
4-5 care emergency that results in a declaration of a state of disaster  
4-6 or emergency by the president of the United States applicable to the  
4-7 entire state or a declaration of a state of disaster by the governor  
4-8 under Chapter 418, Government Code, for the entire state;  
4-9 (B) during a period beginning on the date the  
4-10 declaration is made and ending on the date the declaration  
4-11 terminates; and  
4-12 (C) within the scope of the provider's practice  
4-13 under the laws of this state.

4-14 (c) A health care institution is immune from civil liability  
4-15 for:  
4-16 (1) an act or omission by a [~~volunteer~~] health care  
4-17 provider providing care, assistance, or advice at the institution's  
4-18 facility or under the institution's direction if [~~+~~  
4-19 [~~(1)~~] the provider is immune from civil liability under  
4-20 Subsection (b); or [~~and~~]  
4-21 (2) a health care liability claim arising out of the  
4-22 circumstances described by Subsection (b) [~~the institution does not~~  
4-23 ~~have an expectation of compensation from or on behalf of the~~  
4-24 ~~recipient of the care, assistance, or advice in excess of~~  
4-25 ~~reimbursement for expenses incurred by the institution in~~  
4-26 ~~connection with the provision of the care, assistance, or advice].~~

4-27 SECTION 5. Title 6, Civil Practice and Remedies Code, is  
4-28 amended by adding Chapter 148 to read as follows:  
4-29 CHAPTER 148. LIABILITY DURING PANDEMIC EMERGENCY  
4-30 Sec. 148.001. DEFINITIONS. In this chapter:  
4-31 (1) "Pandemic disease" has the meaning assigned by  
4-32 Section 74.155.  
4-33 (2) "Pandemic emergency" means a state of disaster  
4-34 declared by the governor under Chapter 418, Government Code, in  
4-35 response to a pandemic disease.

4-36 Sec. 148.002. PRODUCTS LIABILITY ACTIONS RELATED TO  
4-37 PANDEMIC EMERGENCY. (a) This section applies only to the following  
4-38 products:  
4-39 (1) clothing or equipment worn to minimize exposure to  
4-40 hazards of a pandemic disease that cause injury or illness;  
4-41 (2) medical devices, equipment, and supplies used  
4-42 during a pandemic emergency or to treat individuals infected or  
4-43 suspected to be infected with a pandemic disease, including  
4-44 devices, equipment, and supplies used or modified for an unapproved  
4-45 use to treat or prevent the spread of the disease or used outside of  
4-46 their normal use to treat or prevent the spread of the disease;  
4-47 (3) drugs, medicines, or vaccines used to treat or  
4-48 prevent the spread of a pandemic disease, including drugs,  
4-49 medicines, or vaccines prescribed, dispensed, or administered for  
4-50 an unapproved use in an attempt to treat or prevent the spread of  
4-51 the disease or used outside of their normal use in an attempt to  
4-52 treat or prevent the spread of the disease;  
4-53 (4) tests to diagnose or determine immunity to a  
4-54 pandemic disease;  
4-55 (5) commercial cleaning, sanitizing, or disinfecting  
4-56 supplies used to prevent the spread of a pandemic disease; or  
4-57 (6) any component of a product described by this  
4-58 subsection.

4-59 (b) A person who designs, manufactures, sells, or donates a  
4-60 product described by Subsection (a) during a pandemic emergency is  
4-61 not liable for personal injury, death, or property damage caused by  
4-62 the product unless:  
4-63 (1) the person:  
4-64 (A) had actual knowledge of a defect in the  
4-65 product when the product left the person's control; or  
4-66 (B) acted with actual malice in designing,  
4-67 manufacturing, selling, or donating the product; and  
4-68 (2) the product presents an unreasonable risk of  
4-69 substantial harm to an individual using or exposed to the product.

5-1 (c) A person who designs, manufactures, labels, sells, or  
 5-2 donates a product described by Subsection (a) during a pandemic  
 5-3 emergency is not liable for personal injury, death, or property  
 5-4 damage caused by a failure to warn or provide adequate instructions  
 5-5 regarding the use of a product unless:

5-6 (1) the person acted with actual malice in failing to  
 5-7 warn or provide adequate instructions regarding the use of the  
 5-8 product; and

5-9 (2) the failure to warn or provide adequate  
 5-10 instructions regarding the use of the product presents an  
 5-11 unreasonable risk of substantial harm to an individual using or  
 5-12 exposed to the product.

5-13 (d) A person is not liable for personal injury, death, or  
 5-14 property damage caused by or resulting from the person's selection,  
 5-15 distribution, or use of a product described by Subsection (a)  
 5-16 during a pandemic emergency unless:

5-17 (1) the person:

5-18 (A) had actual knowledge of a defect in the  
 5-19 product when the person selected, distributed, or used the product;  
 5-20 or

5-21 (B) acted with actual malice in selecting,  
 5-22 distributing, or using the product; and

5-23 (2) the product presents an unreasonable risk of  
 5-24 substantial harm to an individual using or exposed to the product.

5-25 Sec. 148.003. LIABILITY FOR CAUSING EXPOSURE TO PANDEMIC  
 5-26 DISEASE. (a) A person is not liable for injury or death caused by  
 5-27 exposing an individual to a pandemic disease during a pandemic  
 5-28 emergency unless the claimant establishes that:

5-29 (1) the person who exposed the individual:

5-30 (A) knowingly failed to warn the individual of or  
 5-31 remediate a condition that the person knew was likely to result in  
 5-32 the exposure of an individual to the disease, provided that the  
 5-33 person:

5-34 (i) had control over the condition;

5-35 (ii) knew that the individual was more  
 5-36 likely than not to come into contact with the condition; and

5-37 (iii) had a reasonable opportunity and  
 5-38 ability to remediate the condition or warn the individual of the  
 5-39 condition before the individual came into contact with the  
 5-40 condition; or

5-41 (B) knowingly failed to implement or comply with  
 5-42 government-promulgated standards, guidance, or protocols intended  
 5-43 to lower the likelihood of exposure to the disease that were  
 5-44 applicable to the person or the person's business, provided that:

5-45 (i) the person had a reasonable opportunity  
 5-46 and ability to implement or comply with the standards, guidance, or  
 5-47 protocols;

5-48 (ii) the person refused to implement or  
 5-49 comply with or acted with flagrant disregard of the standards,  
 5-50 guidance, or protocols; and

5-51 (iii) the government-promulgated  
 5-52 standards, guidance, or protocols that the person failed to  
 5-53 implement or comply with did not, on the date that the individual  
 5-54 was exposed to the disease, conflict with government-promulgated  
 5-55 standards, guidance, or protocols that the person implemented or  
 5-56 complied with; and

5-57 (2) reliable scientific evidence shows that the  
 5-58 failure to warn the individual of the condition, remediate the  
 5-59 condition, or implement or comply with the government-promulgated  
 5-60 standards, guidance, or protocols was the cause in fact of the  
 5-61 individual contracting the disease.

5-62 (b) Except as provided by Subsection (c), not later than the  
 5-63 120th day after the date a defendant files an answer to a claim to  
 5-64 which Subsection (a) applies, the claimant shall serve on the  
 5-65 defendant:

5-66 (1) a report authored by at least one qualified expert  
 5-67 that provides a factual and scientific basis for the assertion that  
 5-68 the defendant's failure to act caused the individual to contract a  
 5-69 pandemic disease; and

6-1 (2) a curriculum vitae for each expert whose opinion  
6-2 is included in the report.

6-3 (c) The deadline for serving the report and curriculum vitae  
6-4 required by Subsection (b) may be extended by written agreement of  
6-5 the affected parties.

6-6 (d) A defendant must file an objection to the sufficiency of  
6-7 the report and serve the objection on the claimant not later than 21  
6-8 days after the later of:

6-9 (1) the date the report is served on the defendant; or  
6-10 (2) the date the defendant's answer to the claim is  
6-11 filed.

6-12 (e) If a court determines that a report served under  
6-13 Subsection (b) does not represent an objective, good faith effort  
6-14 to provide a factual and scientific basis for the assertion that the  
6-15 defendant's failure to act caused the injured individual to  
6-16 contract a pandemic disease, the court may grant the claimant, on  
6-17 one occasion, a 30-day period to cure any deficiency in the report.

6-18 (f) If a sufficient report is not timely served under this  
6-19 section, the court, on the defendant's motion, shall enter an  
6-20 order:

6-21 (1) dismissing the claim with respect to the  
6-22 defendant, with prejudice; and

6-23 (2) awarding to the defendant reasonable attorney's  
6-24 fees and costs of court incurred by the defendant in the action.

6-25 (g) Nothing in this section shall be construed to mean that  
6-26 a single expert must address all causation issues with respect to  
6-27 all defendants.

6-28 (h) A report served under this section:

6-29 (1) is not admissible in evidence by any party;

6-30 (2) may not be used in a deposition, trial, or other  
6-31 proceeding; and

6-32 (3) may not be referred to by any party during the  
6-33 course of the action, except in a proceeding to determine if a  
6-34 report is sufficient or timely.

6-35 (i) After a claim to which Subsection (a) applies is filed,  
6-36 all claimants, collectively, may take not more than two depositions  
6-37 before the expert report is served as required by Subsection (b).

6-38 Sec. 148.004. LIABILITY OF EDUCATIONAL INSTITUTIONS FOR  
6-39 CERTAIN ACTIONS DURING PANDEMIC EMERGENCY. (a) In this section,  
6-40 "educational institution" means an institution or program that  
6-41 facilitates learning or the acquisition of knowledge, skills,  
6-42 values, beliefs, or habits. The term includes public and private  
6-43 preschools, child-care facilities, primary and secondary schools,  
6-44 colleges, and universities.

6-45 (b) An educational institution is not liable for damages  
6-46 arising from a cancellation or modification of a course, program,  
6-47 or activity of the institution if the cancellation or modification  
6-48 arose during a pandemic emergency and was caused, in whole or in  
6-49 part, by the emergency.

6-50 SECTION 6. (a) For purposes of Section 74.155, Civil  
6-51 Practice and Remedies Code, as added by this Act, the legislature  
6-52 finds that:

6-53 (1) the widespread effect of Coronavirus Disease 2019  
6-54 ("COVID-19") in this state has resulted in a state of disaster as  
6-55 declared by the governor under Section 418.014, Government Code;

6-56 (2) the frequency and severity of such cases in this  
6-57 state have severely taxed the physicians and health care providers,  
6-58 including health care institutions, stressed the state's health  
6-59 care system, and created shortages of medical staff, therapeutics,  
6-60 hospital beds, testing equipment, and safety supplies;

6-61 (3) physicians and health care providers often have  
6-62 inadequate facilities to respond to the disaster;

6-63 (4) physicians and health care providers often have  
6-64 inadequate test kits and monitoring devices to properly assess all  
6-65 those presenting themselves for care or treatment;

6-66 (5) because of the number and severity of cases, many  
6-67 physicians and health care providers in this state have been forced  
6-68 to prioritize care and treatment;

6-69 (6) many physicians and health care providers have

7-1 placed themselves, their loved ones, and their livelihoods at risk  
7-2 by trying to respond to the disaster;

7-3 (7) at the current time, there is no certainty as far  
7-4 as how long this crisis will last;

7-5 (8) a pandemic, including the COVID-19 pandemic,  
7-6 requires an enormous response from governments working in  
7-7 coordination with physicians and health care providers in the  
7-8 community;

7-9 (9) protecting physicians and health care providers  
7-10 from unnecessary liability supports their efforts during a  
7-11 pandemic, including the COVID-19 pandemic;

7-12 (10) there is a strong public interest to be served by  
7-13 this Act; and

7-14 (11) while some prior rights will be impaired by this  
7-15 Act, the impairment is not significant and the interest of  
7-16 protecting the public and ensuring adequate care vastly outweighs  
7-17 those rights.

7-18 (b) Because of the conditions stated in Subsection (a) of  
7-19 this section, the purpose of Section 74.155, Civil Practice and  
7-20 Remedies Code, as added by this Act, is to improve and modify the  
7-21 system by which health care liability claims are determined in  
7-22 order to:

7-23 (1) promote the public health, safety, and welfare of  
7-24 all citizens and ensure access to care and treatment during a  
7-25 pandemic by broadly protecting physicians and health care  
7-26 providers, including health care institutions, in this state from  
7-27 liability that may relate to the care or treatment of individuals  
7-28 associated with a pandemic, including COVID-19;

7-29 (2) provide for prompt and swift medical and health  
7-30 care responses to the citizens of this state suffering from  
7-31 COVID-19;

7-32 (3) recognize that many physicians and health care  
7-33 providers responding to these situations may not have the full  
7-34 benefits of the medical devices and facilities they would in  
7-35 non-disaster situations;

7-36 (4) encourage physicians and health care providers  
7-37 from other states to respond, if necessary, to the COVID-19  
7-38 disaster in this state as declared by the president of the United  
7-39 States and by the governor; and

7-40 (5) ensure that the focus and resources of physicians  
7-41 and health care providers in responding to the COVID-19 disaster  
7-42 are being addressed.

7-43 SECTION 7. The purposes of Section 79.0031, Civil Practice  
7-44 and Remedies Code, as amended by this Act, are to:

7-45 (1) provide for prompt and swift medical and health  
7-46 care responses to individuals in this state suffering from a  
7-47 man-made or natural disaster, including a state of disaster or  
7-48 emergency in this state declared by the president of the United  
7-49 States or a state of disaster declared by the governor under Section  
7-50 418.014, Government Code;

7-51 (2) recognize that many physicians and health care  
7-52 providers responding to these situations may not have the full  
7-53 benefits of the medical devices and facilities they would in  
7-54 non-disaster situations;

7-55 (3) encourage physicians and health care providers  
7-56 from other states to respond, if necessary, to a state of disaster  
7-57 or emergency in this state declared by the president of the United  
7-58 States or a state of disaster declared by the governor under Section  
7-59 418.014, Government Code; and

7-60 (4) ensure that the focus and resources of physicians  
7-61 and health care providers in these situations are being properly  
7-62 directed after a state of disaster or emergency is declared by the  
7-63 president of the United States or a state of disaster is declared by  
7-64 the governor under Section 418.014, Government Code.

7-65 SECTION 8. (a) Section 74.155 and Chapter 148, Civil  
7-66 Practice and Remedies Code, as added by this Act, apply only to an  
7-67 action commenced on or after March 13, 2020, for which a judgment  
7-68 has not become final before the effective date of this Act. An  
7-69 action commenced before March 13, 2020, or an action for which a

8-1 judgment has become final before the effective date of this Act is  
8-2 governed by the law applicable to the action immediately before the  
8-3 effective date of this Act, and that law is continued in effect for  
8-4 that purpose.

8-5 (b) Section 79.0031, Civil Practice and Remedies Code, as  
8-6 amended by this Act, applies only to an action commenced on or after  
8-7 the effective date of this Act. An action commenced before the  
8-8 effective date of this Act is governed by the law applicable to the  
8-9 action immediately before the effective date of this Act, and that  
8-10 law is continued in effect for that purpose.

8-11 SECTION 9. This Act takes effect immediately if it receives  
8-12 a vote of two-thirds of all the members elected to each house, as  
8-13 provided by Section 39, Article III, Texas Constitution. If this  
8-14 Act does not receive the vote necessary for immediate effect, this  
8-15 Act takes effect September 1, 2021.

8-16

\* \* \* \* \*