

By: Hall

S.B. No. 1313

A BILL TO BE ENTITLED

AN ACT

1  
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.