

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

1 distribute the vaccines or immunizing agents proportionally based
2 on:

3 (1) the county population size;

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

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

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

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

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

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

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

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

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

9 (1) the county population size;

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

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

16 (e) If the state has a limited supply or an additional
17 supply of personal protective equipment, sanitation equipment or
18 any other public or private resource designated for responding to a
19 pandemic, state epidemic or public health disaster under Section
20 81.003, Health and Safety Code, and has given priority designation
21 to specific professions or groups of people to receive designated
22 resources, the state must proportionately distributed resources to
23 each county based on:

24 (1) the county population size;

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

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

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

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

10 Section 3. This act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section [39](#), Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2021.