

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 27, 2021

TO: Honorable Dan Patrick, Lieutenant Governor, Senate

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB968 by Kolkhorst (Relating to public health disaster and public health emergency preparedness and response; providing a civil penalty.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The Department of State Health Services and the Preparedness Coordinating Council advisory committee are required to implement this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the department may, but is not required to, implement the Act using other appropriations available for the purpose.

The bill would prohibit the Texas Medical Board (TMB) from limiting nonelective medical procedures and would authorize TMB to temporarily limit other medical procedures during a declared state of disaster.

The bill would require the Texas Department on Emergency Management (TDEM) to enter into a contract that meets certain requirements with a manufacturer or wholesale distributor of personal protective equipment.

The bill would require the Department of State Health Services (DSHS) to consult with the Task Force on Infectious Disease Preparedness and Response during a public health disaster. The bill would establish a civil penalty if a health care facility fails to report as required by DSHS during a public health disaster or emergency.

The bill would prohibit a governmental entity from issuing a vaccine passport for a purpose other than healthcare, prohibit businesses in the state from requiring documentation certifying the customer's COVID-19 vaccination or recovery, and require state agencies to ensure businesses in the state comply as a condition for contracting with the state and receiving licenses, permits, or other authorizations.

The bill would require DSHS to establish an Office of Chief State Epidemiologist to provide public health expertise.

The bill would require the Preparedness Coordinating Council advisory committee to conduct a study on the state's response to COVID-19 nine months after the date of the public health disaster related to COVID-19 ends or by September 1, 2023, whichever is earlier.

The bill would require DSHS to develop and implement a disease prevention information system for dissemination of immunization information during a declared state of disaster or local state of disaster.

The bill would limit what a presiding officer of the governing body of a political subdivision could limit or prohibit during a declared state of disaster or local disaster.

The bill would require the inclusion of medically fragile individuals in TDEM's emergency assistance registry to allow for wellness checks during certain emergencies.

The analysis assumes the provisions of the bill could be implemented within existing resources.

Local Government Impact

The bill's provisions relating to public health emergency preparedness and response, and the provisions relating to construction and real estate transactions and services are not anticipated to have a significant fiscal implication to units of local government.

The fiscal implication of the bill's provisions relating to performing wellness checks during certain emergencies cannot be determined at this time. Although it is anticipated that localities would require additional staff to perform wellness checks, these costs cannot be quantified in a meaningful manner at this time.

Source Agencies: 212 Office of Court Admin, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 313 Department of Information Resources, 452 Dept of License & Reg, 458 Alcoholic Beverage Commission, 503 Texas Medical Board, 529 Hlth & Human Svcs Comm, 537 State Health Services, 575 TX Division of Emergency Management

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