

## **BILL ANALYSIS**

Senate Research Center

S.B. 29  
By: Birdwell  
State Affairs  
6/20/2023  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 29 amends current law relating to prohibited governmental entity implementation or enforcement of a vaccine mandate, mask requirement, or private business or school closure to prevent the spread of COVID-19.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subtitle D, Title 2, Health and Safety Code, by adding Chapter 81B, as follows:

#### **CHAPTER 81B. PROHIBITED CORONAVIRUS PREVENTATIVE MEASURES**

Sec. 81B.001. DEFINITIONS. Defines "COVID-19" and "governmental entity."

Sec. 81B.002. PROHIBITED FACE-COVERING MANDATE. (a) Prohibits a governmental entity, except as provided by Subsection (b), from implementing, ordering, or otherwise imposing a mandate requiring a person to wear a face mask or other face covering to prevent the spread of COVID-19.

(b) Provides that the limitation prescribed by Subsection (a) does not apply to an order or mandate that relates to:

- (1) a state supported living center, as defined by Section 531.002 (Definitions), subject to any applicable rule or guidance prescribed by the Health and Human Services Commission that conflicts with that limitation;
- (2) a facility operated by the Texas Department of Criminal Justice or the Texas Juvenile Justice Department or a municipal or county jail, subject to any applicable rule or guidance prescribed by the Commission on Jail Standards that conflicts with that limitation; or
- (3) a hospital or other health care facility owned by a governmental entity, including a hospital or other health care clinic operated by or associated with an institution of higher education, as that term is defined by Section 61.003 (Definitions), Education Code, subject to any applicable order, ordinance, or guidance prescribed by that governmental entity that conflicts with that limitation.

Sec. 81B.003. PROHIBITED VACCINE MANDATE. (a) Prohibits a governmental entity, except as provided by subsection (b), from implementing, ordering, or otherwise imposing a mandate requiring a person to be vaccinated against COVID-19.

(b) Provides that the prohibition under Subsection (a) applies only to the extent the prohibition does not conflict with the final rule adopted by the Centers for Medicare and Medicaid Services and published at 86 Fed. Reg. 61555 (November 5, 2021).

Sec. 81B.004. PROHIBITED CLOSURE MANDATE FOR PRIVATE BUSINESSES AND SCHOOLS. Prohibits a governmental entity from implementing, ordering, or otherwise imposing a mandate requiring the closure of a private business, public school, open-enrollment charter school, or private school to prevent the spread of COVID-19.

SECTION 2. Effective date: upon passage or September 1, 2023.