

## **BILL ANALYSIS**

C.S.S.B. 29  
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State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Some local governments throughout the nation continue to limit individual freedom by enacting COVID-19-related mandates and restrictions three years after the pandemic began. For instance, the Philadelphia School District re-implemented a mask mandate in early 2023 and Washington, D.C., mandated that certain students receive a COVID-19 vaccine to attend school during the 2022-2023 school year. The legislature can defend individual freedoms and prevent local governments from abusing their authority by codifying the protections in Governor Abbott's executive orders banning local governments from implementing COVID-19 mask and vaccine mandates and from issuing orders shutting down businesses and schools because of COVID-19. C.S.S.B. 29 seeks to do so, with certain limited exceptions.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 29 amends the Health and Safety Code to prohibit the state, a local government entity, an open-enrollment charter school, or an agency of the state or such a local government entity from implementing, ordering, or otherwise imposing any of the following mandates to prevent the spread of COVID-19:

- a mandate requiring a person to wear a mask or other face covering;
- a mandate requiring a person to be vaccinated against COVID-19, to the extent that the prohibition does not conflict with the final rule adopted by the federal Centers for Medicare and Medicaid Services (CMS) and published at 86 Fed. Reg. 61555 (November 5, 2021); or
- a mandate requiring the closure of a private business, public or private school, or open-enrollment charter school.

The bill defines "local government entity" by reference as a county, incorporated city, independent school district, public junior college district, emergency services district, other special district, joint board, or other entity defined as a political subdivision under state law that maintains the capability to provide mutual aid.

C.S.S.B. 29 establishes that the prohibition against a face-covering mandate does not apply to an order or mandate that relates to the following:

- a state supported living center, subject to any applicable rule or guidance prescribed by the Health and Human Services Commission that conflicts with that prohibition;

- 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
- 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 a public institution of higher education, subject to any applicable order, ordinance, or guidance prescribed by that governmental entity that conflicts with that limitation.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 29 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes certain exceptions to the prohibition against a COVID-19 face-covering mandate, whereas the engrossed provided no such exceptions.

The substitute includes a provision not in the engrossed establishing that the prohibition against a COVID-19 vaccine mandate applies only to the extent that prohibition does not conflict with a certain final rule adopted by CMS.

The substitute includes an open-enrollment charter school among the governmental entities subject to the prohibitions set out by the bill, whereas the engrossed did not.