88R2734 CJC-F

By:  Schaefer H.B. No. 154

A BILL TO BE ENTITLED

AN ACT

relating to governmental authority to require a person to wear a face mask or covering or other personal protective equipment during a disaster.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 418.012, Government Code, is amended to read as follows:

Sec. 418.012.  EXECUTIVE ORDERS. (a) Under this chapter, the governor may issue, amend, or rescind executive orders, proclamations, and regulations [~~and amend or rescind them~~]. Executive orders, proclamations, and regulations have the force and effect of law.

(b)  Notwithstanding Subsection (a), the governor may not issue an executive order, proclamation, or regulation under this chapter that requires a person to wear a face mask or covering or other item of personal protective equipment unless a provision of law other than a provision of this chapter specifically authorizes the governor to require a person to wear a face mask or covering or other item of personal protective equipment.

SECTION 2.  Section 418.108, Government Code, is amended by adding Subsection (j) to read as follows:

(j)  The presiding officer of the governing body of a political subdivision may not issue an order or proclamation related to a declared state of disaster or local state of disaster that requires a person to wear a face mask or covering or other item of personal protective equipment unless a provision of law other than a provision of this chapter authorizes the presiding officer of the governing body to require a person to wear a face mask or covering or other item of personal protective equipment.

SECTION 3.  The changes in law made by this Act apply to an order, proclamation, or regulation that is in effect on the effective date of this Act or that is issued or renewed on or after the effective date of this Act. An order, proclamation, or regulation in effect on the effective date of this Act that conflicts with the law as amended by this Act is void as of that date and not enforceable against any person.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.