2023S0155-T 02/15/23

By:  Lozano H.B. No. 3719

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition of face covering mandates by this state and political subdivisions of this state in response to the COVID-19 pandemic; providing exceptions.

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

SECTION 1.  Subchapter H, Chapter 418, Government Code, is amended by adding Section 418.196 to read as follows:

Sec. 418.196.  LIMITATION ON AUTHORITY OF GOVERNMENTAL ENTITY TO MANDATE CERTAIN FACE COVERINGS. (a) In this section, "governmental entity" means:

(1)  this state;

(2)  a municipality, county, school district, public health authority, or other political subdivision of this state; and

(3)  an officer or employee of this state or a political subdivision of this state.

(b)  Notwithstanding any other law and except as provided by Subsection (c), a governmental entity may not adopt or enforce an ordinance, order, or other measure that requires an individual to wear a face covering in response to the COVID-19 pandemic.

(c)  The limitation prescribed by Subsection (b) does not apply to an ordinance, order, or other measure that relates to:

(1)  a state supported living center, as defined by Section 531.002, Health and Safety Code;

(2)  a hospital that is owned or operated by this state, an agency of this state, or the federal government; or

(3)  subject to any applicable guidance provided by the Texas Commission on Jail Standards, a facility operated by the Texas Department of Criminal Justice or the Texas Juvenile Justice Department or a municipal or county jail.

SECTION 2.  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.