88R3411 JG-F

By:  Hall S.B. No. 306

A BILL TO BE ENTITLED

AN ACT

relating to the right to choose medical treatments and certain control measures and to the imposition of isolation or quarantine control measures.

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

SECTION 1.  The heading to Section 81.009, Health and Safety Code, is amended to read as follows:

Sec. 81.009.  EXEMPTION FROM MEDICAL TREATMENT; RIGHT TO CHOOSE MEDICAL TREATMENTS AND CONTROL MEASURES.

SECTION 2.  Section 81.009, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a)  This chapter does not authorize or require the medical treatment of an individual who chooses treatment by prayer or spiritual means [~~as part of the tenets and practices of a recognized church of which the individual is an adherent or member~~]. Notwithstanding this subsection, an [~~However, the~~] individual may be isolated or quarantined from the public [~~in an appropriate facility~~] and must [~~shall~~] obey the department's or a health authority's rules, orders, and instructions [~~of the department or health authority~~] while in isolation or quarantine.

(c)  Notwithstanding other law, an individual, or the parent, legal guardian, or managing conservator of an individual who is a minor, retains the right to:

(1)  choose and make decisions regarding the medical treatment provided to the individual; and

(2)  choose to implement an alternate control measure authorized under this chapter, unless the control measure imposed is for isolation or quarantine.

SECTION 3.  Subchapter E, Chapter 81, Health and Safety Code, is amended by adding Section 81.0825 to read as follows:

Sec. 81.0825.  REQUIREMENTS TO IMPLEMENT ISOLATION OR QUARANTINE CONTROL MEASURES FOR INDIVIDUAL OR GROUP. (a) Before ordering an individual or a group of individuals to implement control measures under Section 81.083 or 81.085 that involve isolation or quarantine, the department or a health authority must:

(1)  provide notice of the control measures to the individual or group of individuals; and

(2)  provide to the individual or group of individuals an opportunity to demonstrate that implementing the control measures is unnecessary.

(b)  The department or a health authority may not order an individual or a group of individuals to implement control measures described by Subsection (a) for a period that exceeds five days unless the department or health authority obtains from a district court of the county in which the individual or group of individuals resides, is located, or is receiving court-ordered health services a court order authorizing the department or health authority to order the individual or group of individuals to implement the control measures.

(c)  In ordering an individual or group of individuals to implement control measures described by Subsection (a), the department or a health authority to the greatest extent possible must:

(1)  use the least restrictive means available;

(2)  allow an individual to isolate or quarantine with other individuals subject to the same court order described by this section;

(3)  if the individual subject to the control measure is a minor, allow the individual to isolate or quarantine with the individual's parent, legal guardian, or managing conservator; and

(4)  allow an individual to isolate or quarantine in the individual's home or with another family member or a friend.

SECTION 4.  Sections 81.083(b) and (k), Health and Safety Code, are amended to read as follows:

(b)  If the department or a health authority has reasonable cause to believe that an individual is ill with, has been exposed to, or is the carrier of a communicable disease, the department or health authority may, subject to Section 81.0825, order the individual, or the individual's parent, legal guardian, or managing conservator if the individual is a minor, to implement control measures that are reasonable and necessary to prevent the introduction, transmission, and spread of the disease in this state.

(k)  If the department or a health authority has reasonable cause to believe that a group of five or more individuals has been exposed to or infected with a communicable disease, the department or health authority may, subject to Section 81.0825, order the members of the group to implement control measures that are reasonable and necessary to prevent the introduction, transmission, and spread of the disease in this state.  If the department or health authority adopts control measures under this subsection, each member of the group is subject to the requirements of this section.

SECTION 5.  Sections 81.085(a) and (c), Health and Safety Code, are amended to read as follows:

(a)  If an outbreak of communicable disease occurs in this state, the commissioner or one or more health authorities may, subject to Section 81.0825, impose an area quarantine coextensive with the area affected. The commissioner may impose an area quarantine, if the commissioner has reasonable cause to believe that individuals or property in the area may be infected or contaminated with a communicable disease, for the period necessary to determine whether an outbreak of communicable disease has occurred. A health authority may impose the quarantine only within the boundaries of the health authority's jurisdiction.

(c)  The department may, subject to Section 81.0825, impose additional disease control measures in a quarantine area that the department considers necessary and most appropriate to arrest, control, and eradicate the threat to the public health. Absent preemptive action by the department under this chapter or by the governor under Chapter 418, Government Code (Texas Disaster Act of 1975), a health authority may impose in a quarantine area under the authority's jurisdiction additional disease control measures that the health authority considers necessary and most appropriate to arrest, control, and eradicate the threat to the public health.

SECTION 6.  Section 81.009(b), Health and Safety Code, is repealed.

SECTION 7.  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.