

By: Vasut

H.B. No. 777

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to prohibiting face covering mandates for public school  
3 students, prohibiting public schools from requiring students to  
4 provide documentation regarding certain vaccinations, and allowing  
5 public schools to screen students regarding certain infections.

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

7 SECTION 1. Subchapter A, Chapter 38, Education Code, is  
8 amended by adding Section 38.0021 to read as follows:

9 Sec. 38.0021. FACE COVERING MANDATE PROHIBITED.

10 Notwithstanding any other law, a student in any grade level from  
11 kindergarten through grade 12 may not be required to wear a face  
12 mask or face covering to prevent the spread of an infectious disease  
13 as a condition of the student's admission to, continued enrollment  
14 in, or attendance at any public school in this state.

15 SECTION 2. Section 161.0085, Health and Safety Code, is  
16 amended by adding Subsection (b-1) and amending Subsection (e) to  
17 read as follows:

18 (b-1) A school district or open-enrollment charter school  
19 may not require a student to provide any documentation certifying  
20 the student's COVID-19 vaccination status or post-transmission  
21 recovery to allow the student entry to, to gain access to, or to  
22 receive educational services from the district or school.

23 (e) This section may not be construed to:

24 (1) restrict a business, school district, or

1 open-enrollment charter school from implementing COVID-19  
2 screening and infection control protocols in accordance with state  
3 and federal law to protect public health; or

4 (2) interfere with an individual's right to access the  
5 individual's personal health information under federal law.

6 SECTION 3. This Act applies beginning with the 2023-2024  
7 school year.

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