

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,

1 an agency of this state, or the federal government; or
2 (3) subject to any applicable guidance provided by the
3 Texas Commission on Jail Standards, a facility operated by the
4 Texas Department of Criminal Justice or the Texas Juvenile Justice
5 Department or a municipal or county jail.

6 SECTION 2. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2023.