

By: Hall

S.B. No. 306

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the right to choose medical treatments and certain
3 control measures and to the imposition of isolation or quarantine
4 control measures.

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (c) In ordering an individual or group of individuals to

1 implement control measures described by Subsection (a), the
2 department or a health authority to the greatest extent possible
3 must:

4 (1) use the least restrictive means available;

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

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

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

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

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

24 (k) If the department or a health authority has reasonable
25 cause to believe that a group of five or more individuals has been
26 exposed to or infected with a communicable disease, the department
27 or health authority may, subject to Section 81.0825, order the

1 members of the group to implement control measures that are
2 reasonable and necessary to prevent the introduction,
3 transmission, and spread of the disease in this state. If the
4 department or health authority adopts control measures under this
5 subsection, each member of the group is subject to the requirements
6 of this section.

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

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

19 (c) The department may, subject to Section 81.0825, impose
20 additional disease control measures in a quarantine area that the
21 department considers necessary and most appropriate to arrest,
22 control, and eradicate the threat to the public health. Absent
23 preemptive action by the department under this chapter or by the
24 governor under Chapter 418, Government Code (Texas Disaster Act of
25 1975), a health authority may impose in a quarantine area under the
26 authority's jurisdiction additional disease control measures that
27 the health authority considers necessary and most appropriate to

1 arrest, control, and eradicate the threat to the public health.

2 SECTION 6. Section [81.009\(b\)](#), Health and Safety Code, is
3 repealed.

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