

By: Hall

S.B. No. 307

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement within this state of certain federal laws for federally declared public health emergencies.

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

SECTION 1. Subtitle H, Title 2, Health and Safety Code, is amended by adding Chapter 174 to read as follows:

CHAPTER 174. ENFORCEMENT OF CERTAIN FEDERAL LAWS RELATED TO  
FEDERALLY DECLARED PUBLIC HEALTH EMERGENCIES

Sec. 174.001. DEFINITIONS. In this chapter:

(1) "Federally declared public health emergency" means:

(A) a public health emergency declared by the United States secretary of health and human services under 42 U.S.C. Section 247d; or

(B) an emergency or disaster declared, including under a renewal of the declaration, by the president of the United States in relation to a public health emergency described by Paragraph (A) under:

(i) the National Emergencies Act (50 U.S.C. Section 1601 et seq.); or

(ii) the Robert T. Stafford Disaster Relief and Emergency Assistant Act (42 U.S.C. Section 5121 et seq.).

(2) "State money" means money the legislature appropriates or money a state agency controls or directs.

1       Sec. 174.002. PROHIBITED ENFORCEMENT OF CERTAIN FEDERAL  
2 LAWS. Notwithstanding any other law, a state agency, a political  
3 subdivision, or a law enforcement officer or other person a state  
4 agency or political subdivision employs may not enforce or provide  
5 assistance to a federal agency or official with respect to  
6 enforcing a federal statute, order, rule, or regulation that:

7           (1) is enacted or issued in response to a federally  
8 declared public health emergency; and

9           (2) imposes a prohibition, restriction, or other  
10 regulation that does not exist under this state's laws.

11       Sec. 174.003. CERTAIN POLITICAL SUBDIVISIONS INELIGIBLE  
12 FOR RECEIPT OF STATE MONEY. (a) A political subdivision is  
13 ineligible to receive state money if the political subdivision  
14 enters into a contract or adopts a rule, order, ordinance, or policy  
15 under which the political subdivision enforces or assists with the  
16 enforcement of a federal statute, order, rule, or regulation  
17 described by Section 174.002 or, by consistent actions, enforces or  
18 assists with the enforcement of a federal statute, order, rule, or  
19 regulation described by that section.

20           (b) If a final judicial determination in an action brought  
21 under this chapter finds that a political subdivision has enforced  
22 or assisted with the enforcement of a federal statute, order, rule,  
23 or regulation that is prohibited under Section 174.002, the  
24 political subdivision is ineligible to receive state money,  
25 including money from the general revenue fund or a grant program a  
26 state agency or other state entity administers, for the next state  
27 fiscal year following the determination.

1       Sec. 174.004. COMPLAINT AND ATTORNEY GENERAL ACTION. (a)

2 An individual residing in the jurisdiction of a political  
3 subdivision may file a complaint with the attorney general if the  
4 individual offers evidence to support an allegation that the  
5 political subdivision entered into a contract or adopted a rule,  
6 order, ordinance, or policy under which the political subdivision  
7 enforces or assists with the enforcement of any federal statute,  
8 order, rule, or regulation that is prohibited under Section 174.002  
9 or evidence to support an allegation that the political  
10 subdivision, by consistent actions, enforces or assists with the  
11 enforcement of any federal statute, order, rule, or regulation  
12 described by that section. The individual must include with the  
13 complaint the evidence supporting the complaint.

14       (b) If the attorney general determines that a complaint  
15 filed under Subsection (a) against a political subdivision is  
16 valid, the attorney general may file a petition for a writ of  
17 mandamus or apply for other appropriate equitable relief in a  
18 district court in Travis County or in a county in which the  
19 principal office of the political subdivision is located to compel  
20 the political subdivision to comply with Section 174.002. The  
21 attorney general may recover reasonable expenses incurred in  
22 obtaining relief under this subsection, including court costs,  
23 reasonable attorney's fees, investigative costs, witness fees, and  
24 deposition costs.

25       Sec. 174.005. APPEAL OF ATTORNEY GENERAL ACTION. An appeal  
26 of an action brought under Section 174.004(b) is governed by the  
27 procedures for accelerated appeals in civil cases under the Texas

1 Rules of Appellate Procedure. The appellate court shall render its  
2 final order or judgment with the least possible delay.

3 Sec. 174.006. DEFENSE BY ATTORNEY GENERAL IN CERTAIN  
4 ACTIONS. The attorney general shall defend a state agency or  
5 political subdivision in an action brought against the agency or  
6 political subdivision by the federal government for an act or  
7 omission of the agency or political subdivision consistent with the  
8 requirements of this chapter.

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