

By: Hall

S.B. No. 1753

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition of certain public health mandates by governmental entities and businesses in this state.

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 ISSUE CERTAIN PUBLIC HEALTH MANDATES. (a) In this section:

(1) "COVID-19" means the 2019 novel coronavirus disease.

(2) "Governmental entity" means:

(A) this state;

(B) a municipality, county, school district, public health authority, or other political subdivision of this state;

(C) an open-enrollment charter school; and

(D) an officer or employee of this state, a political subdivision of this state, or an open-enrollment charter school.

(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:

(1) wear a face covering; or

1 (2) be vaccinated against COVID-19.

2 (c) The limitation prescribed by Subsection (b)(1) does not
3 apply to an ordinance, order, or other measure that relates to:

4 (1) a state supported living center, as defined by
5 Section 531.002, Health and Safety Code;

6 (2) a hospital that is owned or operated by this state,
7 an agency of this state, or the federal government; or

8 (3) a facility operated by the Texas Department of
9 Criminal Justice or the Texas Juvenile Justice Department, or a
10 municipal or county jail, subject to any applicable guidance
11 provided by the Commission on Jail Standards.

12 SECTION 2. Sections 161.0085(c), (d), and (e), Health and
13 Safety Code, are amended to read as follows:

14 (c) A public or private entity [~~business~~] in this state may
15 not require a person [~~customer~~] to provide any documentation
16 certifying the person's [~~customer's~~] COVID-19 vaccination or
17 post-transmission recovery on entry to, to gain access to, or to
18 receive service from the entity [~~business~~]. A business that fails
19 to comply with this subsection is not eligible to receive public
20 money, use a facility financed wholly or partly using public money,
21 [~~a grant~~] or enter into a contract payable with public money [~~state~~
22 ~~funds~~].

23 (d) Notwithstanding any other law, each appropriate state
24 agency:

25 (1) shall ensure that public and private entities
26 [~~businesses~~] in this state comply with Subsection (c); and

27 (2) may require compliance with that subsection as a

1 condition for issuing a license, permit, or other state
2 authorization to a business entity necessary for conducting
3 business in this state.

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

5 (1) restrict a public or private entity ~~[business]~~
6 from implementing COVID-19 screening and infection control
7 protocols in accordance with state and federal law to protect
8 public health; ~~[or]~~

9 (2) prohibit a requirement to provide documentation
10 necessary for the administration of a COVID-19 vaccination; or

11 (3) interfere with an individual's right to access the
12 individual's personal health information under federal law.

13 SECTION 3. This Act takes effect September 1, 2023.