

By: Hall

S.B. No. 1488

A BILL TO BE ENTITLED

AN ACT

relating to restricting research on potentially pandemic pathogens in this state; creating a civil penalty.

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

SECTION 1. The legislature finds that:

(1) gain of function research was a concern for the federal government, resulting in a three-year moratorium on the funding of that research from 2014 to 2017;

(2) the COVID-19 pandemic may have been the result of a pathogen leak from a secure lab in which gain of function research was being conducted;

(3) gain of function research, which involves manipulating potentially pandemic pathogens, poses a biosecurity vulnerability to this state; and

(4) residents of this state have a right to know the vulnerabilities posed by gain of function research on pathogens.

SECTION 2. Subtitle H, Title 3, Education Code, is amended by adding Chapter 158 to read as follows:

CHAPTER 158. RESEARCH INVOLVING POTENTIALLY PANDEMIC PATHOGENS

Sec. 158.001. DEFINITIONS. In this chapter:

(1) "Gain of function research" means research that may reasonably be anticipated to enhance the transmissibility or virulence of a potentially pandemic pathogen.

(2) "Institution of higher education" has the meaning

1 assigned by Section 61.003.

2 (3) "Potentially pandemic pathogen" means a virus,
3 bacteria, fungus, or eukaryotic parasite, or any strain or variant
4 of a virus, bacteria, fungus, or eukaryotic parasite, that is:

5 (A) likely, moderately, or highly transmissible
6 and likely capable of wide and uncontrollable spread in human
7 populations;

8 (B) likely, moderately, or highly virulent and
9 likely to cause significant mortality and morbidity in human
10 beings; or

11 (C) likely to pose a severe threat to public
12 health and safety, the capacity of public health systems, or the
13 security of this state if allowed to spread within the general
14 population.

15 Sec. 158.002. PROHIBITED GAIN OF FUNCTION RESEARCH ON
16 POTENTIALLY PANDEMIC PATHOGENS. (a) Notwithstanding any other
17 law, an institution of higher education may not conduct or provide
18 funding to another entity to conduct gain of function research on
19 potentially pandemic pathogens.

20 (b) An institution of higher education that violates this
21 section is ineligible to receive state funds.

22 SECTION 3. The heading to Chapter 81, Health and Safety
23 Code, is amended to read as follows:

24 CHAPTER 81. COMMUNICABLE DISEASES; PUBLIC HEALTH DISASTERS; PUBLIC
25 HEALTH EMERGENCIES; POTENTIALLY PANDEMIC PATHOGENS

26 SECTION 4. Chapter 81, Health and Safety Code, is amended by
27 adding Subchapter K to read as follows:

1 SUBCHAPTER K. REPORT ON RESEARCH INVOLVING POTENTIALLY PANDEMIC

2 PATHOGENS

3 Sec. 81.451. DEFINITIONS. In this subchapter:

4 (1) "Institution of higher education" has the meaning
5 assigned by Section 61.003, Education Code.

6 (2) "Potentially pandemic pathogen" has the meaning
7 assigned by Section 158.001, Education Code.

8 Sec. 81.452. REQUIRED REPORT. (a) Each entity, including
9 an institution of higher education and a private college or
10 university, that intends to conduct research on a potentially
11 pandemic pathogen in this state, regardless of whether the entity
12 will use state money for the research, shall, at least 90 days
13 before beginning the research, provide to the department a written
14 report on the intended research that includes the following
15 information:

16 (1) the location where the research will be conducted;

17 (2) the scope, nature, and purpose of the research;

18 (3) the source of funding for the research;

19 (4) the identity of the pathogen, including the
20 strains or variant of the pathogen, that will be used or analyzed in
21 the research;

22 (5) the potential impacts the pathogen will have on
23 the public if released into the general population; and

24 (6) the measures the entity will take to ensure the
25 pathogen is not released into the general population.

26 (b) On the department's request, an entity that submits a
27 report under Subsection (a) shall provide to the department any

1 additional information the department determines is necessary for
2 the department to:

3 (1) properly inform federal, state, and local
4 governmental authorities that the research will be conducted; and

5 (2) ensure adequate response plans and resources are
6 available in the event a potentially pandemic pathogen is released
7 into the general population.

8 (c) If, after reviewing the information the entity submits
9 under Subsections (a) and (b), the department determines that the
10 entity's intended research poses a substantial and unjustifiable
11 risk to public health and safety, the capacity of public health
12 systems, or the security of this state, the department may:

13 (1) for research conducted by an institution of higher
14 education, request the governor to issue an order prohibiting the
15 research; or

16 (2) for research conducted by a private college,
17 university, or other private entity, request the attorney general
18 to seek an injunction to enjoin the conduct of the research.

19 Sec. 81.453. CIVIL PENALTY. (a) An entity that fails to
20 timely submit a report required by Section 81.452 is liable to this
21 state for a civil penalty in an amount not less than \$50,000 or more
22 than \$100,000 for each violation. Each day of a continuing
23 violation is a separate violation.

24 (b) The attorney general may investigate an alleged
25 violation of this section and may sue to collect the civil penalty.

26 (c) Sovereign or governmental immunity of an institution of
27 higher education to suit is waived and abolished to the extent of

1 liability created by this section.

2 Sec. 81.454. RULES. The executive commissioner shall adopt
3 the rules necessary to administer this subchapter, including rules
4 prescribing the form and manner of submitting the report required
5 by Section 81.452.

6 SECTION 5. Subchapter K, Chapter 81, Health and Safety
7 Code, as added by this Act, applies only to research beginning on or
8 after December 1, 2025.

9 SECTION 6. As soon as possible after the effective date of
10 this Act, the executive commissioner of the Health and Human
11 Services Commission shall adopt rules necessary to implement
12 Subchapter K, Chapter 81, Health and Safety Code, as added by this
13 Act.

14 SECTION 7. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2025.