By: Hall S.B. No. 447

A BILL TO BE ENTITLED

AN ACT

relating to 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 175 to read as follows:

CHAPTER 175. ENFORCEMENT OF CERTAIN FEDERAL LAWS FOR FEDERALLY DECLARED PUBLIC HEALTH EMERGENCIES

Sec. 175.001. 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.

Sec. 175.002. PROHIBITED ENFORCEMENT OF CERTAIN FEDERAL LAWS. Notwithstanding any other law, a state agency, a political subdivision, or a law enforcement officer or other person a state agency or political subdivision employs may not enforce or provide assistance to a federal agency or official with respect to enforcing a federal statute, order, or regulation that:

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

(2) imposes a prohibition, restriction, or other regulation that does not exist under state law.

Sec. 175.003. CERTAIN POLITICAL SUBDIVISIONS INELIGIBLE FOR RECEIPT OF STATE MONEY. (a) A political subdivision is ineligible to receive state money if the political subdivision enters into a contract or adopts a rule, order, ordinance, or policy under which the political subdivision enforces or assists with the enforcement of a federal statute, order, or regulation described by Section 175.002 or, by consistent actions, enforces or assists with the enforcement of a federal statute, order, or regulation described by that section.

(b) If a final judicial determination in an action brought under this chapter finds that a political subdivision has enforced or assisted with the enforcement of a federal statute, order, or regulation that is prohibited under Section 175.002, the political subdivision is ineligible to receive state money, including money from the general revenue fund or a grant program a state agency or other state entity administers, for the next state fiscal year following the determination.

Sec. 175.004. COMPLAINT AND ATTORNEY GENERAL ACTION. (a) An individual residing in the jurisdiction of a political subdivision may file a complaint with the attorney general if the individual offers evidence to support an allegation that the political subdivision entered into a contract or adopted a rule, order, ordinance, or policy under which the political subdivision enforces or assists with the enforcement of a federal statute, order, or regulation that is prohibited under Section 175.002 or evidence to support an allegation that the political subdivision, by consistent actions, enforces or assists with the enforcement of a federal statute, order, or regulation described by that section. The individual must include with the complaint the evidence supporting the complaint.

(b) If the attorney general determines that a complaint filed under Subsection (a) against a political subdivision is valid, the attorney general may file a petition for a writ of mandamus or apply for other appropriate equitable relief in a district court in Travis County or in a county in which the principal office of the political subdivision is located to compel the political subdivision to comply with Section 175.002. The attorney general may recover reasonable expenses incurred in obtaining relief under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

Sec. 175.005. APPEAL OF ATTORNEY GENERAL ACTION. An appeal of an action brought under Section 175.004(b) is governed by the procedures for accelerated appeals in civil cases under the Texas

Rules of Appellate Procedure. The appellate court shall render the court's final order or judgment with the least possible delay.

Sec. 175.006. DEFENSE BY ATTORNEY GENERAL IN CERTAIN ACTIONS. The attorney general shall defend a state agency or political subdivision in an action brought against the agency or political subdivision by the federal government for an act or omission of the agency or political subdivision consistent with the requirements of this chapter.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2027.