

1-1 By: Hall S.B. No. 1313
 1-2 (In the Senate - Filed March 9, 2021; March 18, 2021, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 April 19, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 6, Nays 3; April 19, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11		X		
1-12	X			
1-13	X			
1-14	X			
1-15		X		
1-16		X		
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1313 By: Perry

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the right to choose and refuse medical treatment and
 1-22 control measures and to the imposition of isolation or quarantine
 1-23 control measures.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. The heading to Section 81.009, Health and Safety
 1-26 Code, is amended to read as follows:

1-27 Sec. 81.009. EXEMPTION FROM MEDICAL TREATMENT; RIGHT TO
 1-28 CHOOSE OR REFUSE MEDICAL TREATMENT AND CONTROL MEASURES.

1-29 SECTION 2. Section 81.009, Health and Safety Code, is
 1-30 amended by amending Subsection (a) and adding Subsection (c) to
 1-31 read as follows:

1-32 (a) This chapter does not authorize or require the medical
 1-33 treatment of an individual who chooses treatment by prayer or
 1-34 spiritual means [~~as part of the tenets and practices of a recognized~~
 1-35 ~~church of which the individual is an adherent or member~~]. However,
 1-36 the individual may be isolated or quarantined from the public [~~in an~~
 1-37 ~~appropriate facility~~] and shall obey the rules, orders, and
 1-38 instructions of the department or health authority while in
 1-39 isolation or quarantine.

1-40 (c) Notwithstanding other law, an individual, or the
 1-41 individual's parent, legal guardian, or managing conservator if the
 1-42 individual is a minor, retains the right to choose and make
 1-43 decisions regarding the medical treatment provided to the
 1-44 individual and the right to refuse a control measure.

1-45 SECTION 3. Subchapter E, Chapter 81, Health and Safety
 1-46 Code, is amended by adding Section 81.0825 to read as follows:

1-47 Sec. 81.0825. REQUIREMENTS FOR IMPOSITION OF CONTROL
 1-48 MEASURES INVOLVING ISOLATION OR QUARANTINE FOR INDIVIDUAL OR GROUP.

1-49 (a) Before ordering an individual or a group of individuals to
 1-50 implement control measures under Section 81.083 or 81.085 that
 1-51 involve isolation or quarantine, the department or a health
 1-52 authority must:

1-53 (1) provide notice of the control measures to the
 1-54 individual or group of individuals; and

1-55 (2) provide to the individual or group of individuals
 1-56 an opportunity to demonstrate that the implementation of control
 1-57 measures is not necessary.

1-58 (b) In ordering an individual or group of individuals to
 1-59 implement control measures under Section 81.083 or 81.085 that
 1-60 involve isolation or quarantine, the department or a health

2-1 authority to the greatest extent possible must:
2-2 (1) use the least restrictive means available; and
2-3 (2) allow an individual to isolate or quarantine in
2-4 the individual's home or with a family member or friend.

2-5 SECTION 4. Sections 81.083(b) and (k), Health and Safety
2-6 Code, are amended to read as follows:

2-7 (b) If the department or a health authority has reasonable
2-8 cause to believe that an individual is ill with, has been exposed
2-9 to, or is the carrier of a communicable disease, the department or
2-10 health authority may, subject to Section 81.0825, order the
2-11 individual, or the individual's parent, legal guardian, or managing
2-12 conservator if the individual is a minor, to implement control
2-13 measures that are reasonable and necessary to prevent the
2-14 introduction, transmission, and spread of the disease in this
2-15 state.

2-16 (k) If the department or a health authority has reasonable
2-17 cause to believe that a group of five or more individuals has been
2-18 exposed to or infected with a communicable disease, the department
2-19 or health authority may, subject to Section 81.0825, order the
2-20 members of the group to implement control measures that are
2-21 reasonable and necessary to prevent the introduction,
2-22 transmission, and spread of the disease in this state. If the
2-23 department or health authority adopts control measures under this
2-24 subsection, each member of the group is subject to the requirements
2-25 of this section.

2-26 SECTION 5. Sections 81.085(a) and (c), Health and Safety
2-27 Code, are amended to read as follows:

2-28 (a) If an outbreak of communicable disease occurs in this
2-29 state, the commissioner or one or more health authorities may,
2-30 subject to Section 81.0825, impose an area quarantine coextensive
2-31 with the area affected. The commissioner may impose an area
2-32 quarantine, if the commissioner has reasonable cause to believe
2-33 that individuals or property in the area may be infected or
2-34 contaminated with a communicable disease, for the period necessary
2-35 to determine whether an outbreak of communicable disease has
2-36 occurred. A health authority may impose the quarantine only within
2-37 the boundaries of the health authority's jurisdiction.

2-38 (c) The department may, subject to Section 81.0825, impose
2-39 additional disease control measures in a quarantine area that the
2-40 department considers necessary and most appropriate to arrest,
2-41 control, and eradicate the threat to the public health. Absent
2-42 preemptive action by the department under this chapter or by the
2-43 governor under Chapter 418, Government Code (Texas Disaster Act of
2-44 1975), a health authority may impose in a quarantine area under the
2-45 authority's jurisdiction additional disease control measures that
2-46 the health authority considers necessary and most appropriate to
2-47 arrest, control, and eradicate the threat to the public health.

2-48 SECTION 6. Section 81.009(b), Health and Safety Code, is
2-49 repealed.

2-50 SECTION 7. This Act takes effect September 1, 2021.

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