

1-1 By: Bettencourt S.B. No. 1616
 1-2 (In the Senate - Filed March 11, 2021; March 24, 2021, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 April 27, 2021, reported favorably by the following vote: Yeas 6,
 1-5 Nays 3; April 27, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
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 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to powers and duties of governmental entities during a
 1-20 public health disaster; providing civil penalties.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter E, Chapter 418, Government Code, is
 1-23 amended by adding Sections 418.1012 and 418.1013 to read as
 1-24 follows:

1-25 Sec. 418.1012. DEFINITION. Notwithstanding Section
 1-26 418.004, in this subchapter, the term "disaster" does not include
 1-27 an epidemic or the spread of a communicable disease.

1-28 Sec. 418.1013. APPLICABILITY OF SUBCHAPTER. This
 1-29 subchapter does not apply to a public health disaster as defined by
 1-30 Section 81.003, Health and Safety Code.

1-31 SECTION 2. Section 81.083(l), Health and Safety Code, is
 1-32 amended to read as follows:

1-33 (1) An order under Subsection (k) must be in writing and be
 1-34 delivered personally or by registered or certified mail to each
 1-35 member of the group, or the member's parent, legal guardian, or
 1-36 managing conservator if the member is a minor. If the name,
 1-37 address, and county of residence of any member of the group is
 1-38 unknown at the time the order is issued, the department or health
 1-39 authority must publish notice in a newspaper of general circulation
 1-40 in the county that includes the area of the suspected exposure and
 1-41 any other county in which the department or health authority
 1-42 suspects a member of the group resides. The notice must contain the
 1-43 following information:

1-44 (1) that the department or health authority has
 1-45 reasonable cause to believe that a group of individuals is ill with,
 1-46 has been exposed to, or is the carrier of a communicable disease;

1-47 (2) the suspected time and place of exposure to the
 1-48 disease;

1-49 (3) a copy of any orders under Subsection (k);

1-50 (4) instructions to an individual to provide the
 1-51 individual's name, address, and county of residence to the
 1-52 department or health authority if the individual knows or
 1-53 reasonably suspects that the individual was at the place of the
 1-54 suspected exposure at the time of the suspected exposure;

1-55 (5) that the department or health authority may
 1-56 request that an application for court orders under Subchapter G be
 1-57 filed for the group, if applicable; and

1-58 (6) that a civil [~~criminal~~] penalty applies to an
 1-59 individual who:

1-60 (A) is a member of the group; and

1-61 (B) knowingly refuses to perform or allow the

2-1 performance of the control measures in the order.

2-2 SECTION 3. The heading to Section 81.085, Health and Safety
2-3 Code, is amended to read as follows:

2-4 Sec. 81.085. AREA QUARANTINE; CIVIL [~~CRIMINAL~~] PENALTY.

2-5 SECTION 4. Section 81.085(h), Health and Safety Code, is
2-6 amended to read as follows:

2-7 (h) A person is liable to this state for a civil penalty of
2-8 not more than \$500 [~~commits an offense~~] if the person knowingly
2-9 fails or refuses to obey a rule, order, or instruction of the
2-10 department or an order or instruction of a health authority issued
2-11 under a department rule and published during an area quarantine
2-12 under this section. On request of the department or a health
2-13 authority, the attorney general or the district or county attorney
2-14 for the county in which the violation occurs may:

2-15 (1) sue to collect the civil penalty; and

2-16 (2) recover reasonable investigation costs,
2-17 attorney's fees, and witness and deposition fees incurred by the
2-18 attorney general, district or county attorney, department, or
2-19 health authority, as applicable, in the civil action [~~An offense~~
2-20 ~~under this subsection is a felony of the third degree~~].

2-21 SECTION 5. Sections 81.087, 81.088, and 81.089, Health and
2-22 Safety Code, are amended to read as follows:

2-23 Sec. 81.087. VIOLATION OF CONTROL MEASURE ORDERS; CIVIL
2-24 [~~CRIMINAL~~] PENALTY. (a) A person is liable to this state for a

2-25 civil penalty of not more than \$500 [~~commits an offense~~] if the
2-26 person knowingly refuses to perform or allow the performance of
2-27 certain control measures ordered by the department or a health
2-28 authority [~~or the department~~] under Sections 81.083-81.086.

2-29 (b) On request of the department or a health authority, the
2-30 attorney general or the district or county attorney for the county
2-31 in which the violation occurs may:

2-32 (1) sue to collect the civil penalty; and

2-33 (2) recover reasonable investigation costs,
2-34 attorney's fees, and witness and deposition fees incurred by the
2-35 attorney general, district or county attorney, department, or
2-36 health authority, as applicable, in the civil action [~~An offense~~
2-37 ~~under this section is a Class B misdemeanor~~].

2-38 Sec. 81.088. REMOVAL, ALTERATION, OR DESTRUCTION OF
2-39 QUARANTINE DEVICES; CIVIL [~~CRIMINAL~~] PENALTY. (a) A person is
2-40 liable to this state for a civil penalty of not more than \$500
2-41 [~~commits an offense~~] if the person knowingly or intentionally:

2-42 (1) removes, alters, or attempts to remove or alter an
2-43 object the person knows is a quarantine device, notice, or security
2-44 item in a manner that diminishes the effectiveness of the device,
2-45 notice, or item; or

2-46 (2) destroys an object the person knows is a
2-47 quarantine device, notice, or security item.

2-48 (b) On request of the department or a health authority, the
2-49 attorney general or the district or county attorney for the county
2-50 in which the violation occurs may:

2-51 (1) sue to collect the civil penalty; and

2-52 (2) recover reasonable investigation costs,
2-53 attorney's fees, and witness and deposition fees incurred by the
2-54 attorney general, district or county attorney, department, or
2-55 health authority, as applicable, in the civil action [~~An offense~~
2-56 ~~under this section is a Class B misdemeanor~~].

2-57 Sec. 81.089. TRANSPORTATION; CIVIL [~~CRIMINAL~~] PENALTY. (a)
2-58 A person is liable to this state for a civil penalty of not more than

2-59 \$500 [~~commits an offense~~] if, before notifying the department or
2-60 health authority at a port of entry or a place of first landing or
2-61 first arrival in this state, the person knowingly or intentionally:

2-62 (1) transports or causes to be transported into this
2-63 state an object the person knows or suspects may be infected or
2-64 contaminated with a communicable disease that is a threat to the
2-65 public health;

2-66 (2) transports or causes to be transported into this
2-67 state an individual who the person knows has or is the carrier of a
2-68 communicable disease that is a threat to the public health; or

2-69 (3) transports or causes to be transported into this

3-1 state a person, animal, or object in a private or common carrier or
3-2 a private conveyance that the person knows is or suspects may be
3-3 infected or contaminated with a communicable disease that is a
3-4 threat to the public health.

3-5 (b) On request of the department or a health authority, the
3-6 attorney general or the district or county attorney for the county
3-7 in which the violation occurs may:

3-8 (1) sue to collect the civil penalty; and

3-9 (2) recover reasonable investigation costs,
3-10 attorney's fees, and witness and deposition fees incurred by the
3-11 attorney general, district or county attorney, department, or
3-12 health authority, as applicable, in the civil action [An offense
3-13 ~~under this section is a Class A misdemeanor, except that if the~~
3-14 ~~person acts with the intent to harm or defraud another, the offense~~
3-15 ~~is a felony of the third degree].~~

3-16 SECTION 6. The changes in law made by this Act apply only to
3-17 a violation of law that occurs on or after the effective date of
3-18 this Act. A violation of law that occurs before the effective date
3-19 of this Act is governed by the law as it existed on the date the
3-20 violation occurred, and the former law is continued in effect for
3-21 that purpose. For purposes of this section, a violation of law
3-22 occurred before the effective date of this Act if any element of the
3-23 violation occurred before that date.

3-24 SECTION 7. This Act takes effect September 1, 2021.

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