

1-1 By: Hall S.B. No. 1583
1-2 (In the Senate - Filed March 3, 2023; March 16, 2023, read
1-3 first time and referred to Committee on State Affairs; March 20, 2023,
1-4 rereferred to Committee on Health & Human Services; April 3, 2023,
1-5 reported adversely, with favorable Committee Substitute by the
1-6 following vote: Yeas 7, Nays 2; April 3, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Kolkhorst	X		
1-10	Perry	X		
1-11	Blanco	X		
1-12	Hall	X		
1-13	Hancock	X		
1-14	Hughes	X		
1-15	LaMantia		X	
1-16	Miles		X	
1-17	Sparks	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1583 By: Perry

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

1-21 relating to restricting research on potentially pandemic pathogens
1-22 in this state; creating a civil penalty.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. The legislature finds that:

1-25 (1) gain of function research was a concern for the
1-26 federal government, resulting in a three-year moratorium on the
1-27 funding of that research from 2014 to 2017;

1-28 (2) the COVID-19 pandemic may have been the result of a
1-29 pathogen leak from a secure lab in which gain of function research
1-30 was being conducted;

1-31 (3) gain of function research, which involves
1-32 manipulating potentially pandemic pathogens, poses a biosecurity
1-33 vulnerability to this state; and

1-34 (4) residents of this state have a right to know the
1-35 vulnerabilities posed by gain of function research on pathogens.

1-36 SECTION 2. Subtitle H, Title 3, Education Code, is amended
1-37 by adding Chapter 158 to read as follows:

1-38 CHAPTER 158. RESEARCH INVOLVING POTENTIALLY PANDEMIC PATHOGENS

1-39 Sec. 158.001. DEFINITIONS. In this chapter:

1-40 (1) "Gain of function research" means research that
1-41 may reasonably be anticipated to enhance the transmissibility or
1-42 virulence of a potentially pandemic pathogen.

1-43 (2) "Institution of higher education" has the meaning
1-44 assigned by Section 61.003.

1-45 (3) "Potentially pandemic pathogen" means a virus,
1-46 bacteria, fungus, or eukaryotic parasite, or any strain or variant
1-47 of a virus, bacteria, fungus, or eukaryotic parasite, that is:

1-48 (A) likely, moderately, or highly transmissible
1-49 and likely capable of wide and uncontrollable spread in human
1-50 populations;

1-51 (B) likely, moderately, or highly virulent and
1-52 likely to cause significant mortality and morbidity in human
1-53 beings; or

1-54 (C) likely to pose a severe threat to public
1-55 health and safety, the capacity of public health systems, or the
1-56 security of this state if allowed to spread within the general
1-57 population.

1-58 Sec. 158.002. PROHIBITED GAIN OF FUNCTION RESEARCH ON
1-59 POTENTIALLY PANDEMIC PATHOGENS. (a) Notwithstanding any other
1-60 law, an institution of higher education may not conduct or provide

2-1 funding to another entity to conduct gain of function research on
2-2 potentially pandemic pathogens.

2-3 (b) An institution of higher education that violates this
2-4 section is ineligible to receive state funds.

2-5 SECTION 3. The heading to Chapter 81, Health and Safety
2-6 Code, is amended to read as follows:

2-7 CHAPTER 81. COMMUNICABLE DISEASES; PUBLIC HEALTH DISASTERS; PUBLIC
2-8 HEALTH EMERGENCIES; POTENTIALLY PANDEMIC PATHOGENS

2-9 SECTION 4. Chapter 81, Health and Safety Code, is amended by
2-10 adding Subchapter K to read as follows:

2-11 SUBCHAPTER K. REPORT ON RESEARCH INVOLVING POTENTIALLY PANDEMIC
2-12 PATHOGENS

2-13 Sec. 81.451. DEFINITIONS. In this subchapter:

2-14 (1) "Institution of higher education" has the meaning
2-15 assigned by Section 61.003, Education Code.

2-16 (2) "Potentially pandemic pathogen" has the meaning
2-17 assigned by Section 158.001, Education Code.

2-18 Sec. 81.452. REQUIRED REPORT. (a) Each entity, including
2-19 an institution of higher education and a private college or
2-20 university, that intends to conduct research on a potentially
2-21 pandemic pathogen in this state, regardless of whether the entity
2-22 will use state money for the research, shall, at least 90 days
2-23 before beginning the research, provide to the department a written
2-24 report on the intended research that includes the following
2-25 information:

2-26 (1) the location where the research will be conducted;
2-27 (2) the scope, nature, and purpose of the research;
2-28 (3) the source of funding for the research;
2-29 (4) the identity of the pathogen, including the
2-30 strains or variant of the pathogen, that will be used or analyzed in
2-31 the research;

2-32 (5) the potential impacts the pathogen will have on
2-33 the public if released into the general population; and

2-34 (6) the measures the entity will take to ensure the
2-35 pathogen is not released into the general population.

2-36 (b) On the department's request, an entity that submits a
2-37 report under Subsection (a) shall provide to the department any
2-38 additional information the department determines is necessary for
2-39 the department to:

2-40 (1) properly inform federal, state, and local
2-41 governmental authorities that the research will be conducted; and

2-42 (2) ensure adequate response plans and resources are
2-43 available in the event a potentially pandemic pathogen is released
2-44 into the general population.

2-45 (c) If, after reviewing the information the entity submits
2-46 under Subsections (a) and (b), the department determines that the
2-47 entity's intended research poses a substantial and unjustifiable
2-48 risk to public health and safety, the capacity of public health
2-49 systems, or the security of this state, the department may:

2-50 (1) for research conducted by an institution of higher
2-51 education, request the governor to issue an order prohibiting the
2-52 research; or

2-53 (2) for research conducted by a private college,
2-54 university, or other private entity, request the attorney general
2-55 to seek an injunction to enjoin the conduct of the research.

2-56 Sec. 81.453. CIVIL PENALTY. (a) An entity that fails to
2-57 timely submit a report required by Section 81.452 is liable to this
2-58 state for a civil penalty in an amount not less than \$50,000 or more
2-59 than \$100,000 for each violation. Each day of a continuing
2-60 violation is a separate violation.

2-61 (b) The attorney general may investigate an alleged
2-62 violation of this section and may sue to collect the civil penalty.

2-63 (c) Sovereign or governmental immunity of an institution of
2-64 higher education to suit is waived and abolished to the extent of
2-65 liability created by this section.

2-66 Sec. 81.454. RULES. The executive commissioner shall adopt
2-67 the rules necessary to administer this subchapter, including rules
2-68 prescribing the form and manner of submitting the report required
2-69 by Section 81.452.

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3-1 SECTION 5. As soon as possible after the effective date of
3-2 this Act, the executive commissioner of the Health and Human
3-3 Services Commission shall adopt rules necessary to implement
3-4 Subchapter K, Chapter 81, Health and Safety Code, as added by this
3-5 Act.

SECTION 6. This Act takes effect September 1, 2023.

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