

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

26 May 2023
Date

Honorable Dan Patrick
President of the Senate

Honorable Dade Phelan
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 29 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Brian Birdwell

A. M. Jr
Lozano

Paul BeHevort

Adel Hunter
Hunter

Raymond Hull

Kacey Hull
Hull

Archie Stoyan

Landgraft

[Signature]

Hal Guillen
Guillen

On the part of the Senate

On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 29

A BILL TO BE ENTITLED

AN ACT

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relating to prohibited governmental entity implementation or enforcement of a vaccine mandate, mask requirement, or private business or school closure to prevent the spread of COVID-19.

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

SECTION 1. Subtitle D, Title 2, Health and Safety Code, is amended by adding Chapter 81B to read as follows:

CHAPTER 81B. PROHIBITED CORONAVIRUS PREVENTATIVE MEASURES

Sec. 81B.001. DEFINITIONS. In this chapter:

(1) "COVID-19" means the 2019 novel coronavirus disease and any variants of the disease.

(2) "Governmental entity" means this state, a local government entity as defined by Section 418.004, Government Code, an open-enrollment charter school, or an agency of this state or a local government entity.

Sec. 81B.002. PROHIBITED FACE-COVERING MANDATE. (a) Except as provided by Subsection (b), a governmental entity may not implement, order, or otherwise impose a mandate requiring a person to wear a face mask or other face covering to prevent the spread of COVID-19.

(b) The limitation prescribed by Subsection (a) does not apply to an order or mandate that relates to:

(1) a state supported living center, as defined by Section 531.002, subject to any applicable rule or guidance

1 prescribed by the commission that conflicts with that limitation;

2 (2) a facility operated by the Texas Department of
3 Criminal Justice or the Texas Juvenile Justice Department or a
4 municipal or county jail, subject to any applicable rule or
5 guidance prescribed by the Commission on Jail Standards that
6 conflicts with that limitation; or

7 (3) a hospital or other health care facility owned by a
8 governmental entity, including a hospital or other health care
9 clinic operated by or associated with an institution of higher
10 education, as that term is defined by Section 61.003, Education
11 Code, subject to any applicable order, ordinance, or guidance
12 prescribed by that governmental entity that conflicts with that
13 limitation.

14 Sec. 81B.003. PROHIBITED VACCINE MANDATE. (a) Except as
15 provided by Subsection (b), a governmental entity may not
16 implement, order, or otherwise impose a mandate requiring a person
17 to be vaccinated against COVID-19.

18 (b) The prohibition under Subsection (a) applies only to the
19 extent the prohibition does not conflict with the final rule
20 adopted by the Centers for Medicare and Medicaid Services and
21 published at 86 Fed. Reg. 61555 (November 5, 2021).

22 Sec. 81B.004. PROHIBITED CLOSURE MANDATE FOR PRIVATE
23 BUSINESSES AND SCHOOLS. A governmental entity may not implement,
24 order, or otherwise impose a mandate requiring the closure of a
25 private business, public school, open-enrollment charter school,
26 or private school to prevent the spread of COVID-19.

27 SECTION 2. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2023.

Senate Bill 29
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 1. Subtitle D, Title 2, Health and Safety Code, is amended by adding Chapter 81B to read as follows:

CHAPTER 81B. PROHIBITED CORONAVIRUS PREVENTATIVE MEASURES

Sec. 81B.001. DEFINITIONS. In this chapter:

(1) "COVID-19" means the 2019 novel coronavirus disease and any variants of the disease.

(2) "Governmental entity" means this state, a local government entity as defined by Section 418.004, Government Code, or an agency of this state or a local government entity.

Sec. 81B.002. PROHIBITED FACE-COVERING MANDATE.

HOUSE VERSION (IE)

SECTION 1. Subtitle D, Title 2, Health and Safety Code, is amended by adding Chapter 81B to read as follows:

Same heading as Senate version.

Sec. 81B.001. Same as Senate version except also includes *an open-enrollment charter school* among the entities classified as a "governmental entity."

Sec. 81B.002. Same as Senate version except also adds Subdivision (b) to read as follows and makes related conforming changes:

(b) The limitation prescribed by Subsection (a) does not apply to an order or mandate that relates to:

(1) a state supported living center, as defined by Section 531.002, subject to any applicable rule or guidance prescribed by the commission that conflicts with that limitation;

(2) a facility operated by the Texas Department of Criminal Justice or the Texas Juvenile Justice Department or a municipal or county jail, subject to any applicable rule or guidance prescribed by the Commission on Jail Standards that conflicts with that limitation; or

(3) a hospital or other health care facility owned by a governmental entity, including a hospital or other health

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SECTION 1. Subtitle D, Title 2, Health and Safety Code, is amended by adding Chapter 81B to read as follows:

Same heading as Senate version.

Sec. 81B.001. Same as House version.

Sec. 81B.002. Same as House version except does not include the additional unnumbered subdivisions added by floor amendments to Subdivision (b).

Senate Bill 29
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

care clinic operated by or associated with an institution of higher education, as that term is defined by Section 61.003, Education Code, subject to any applicable order, ordinance, or guidance prescribed by that governmental entity that conflicts with that limitation.

() Any Assisted living facility regulated under Health and Safety Code, Chapter 247 and Texas Administrative Code (TAC), Title 26, Part I, Chapter 553. [FA1]

() A public hospital is defined by Section 241.003 of the Health and Safety Code. [FA2]

Sec. 81B.003. PROHIBITED VACCINE MANDATE.

Sec. 81B.003. Same as Senate version except also adds Subsection (b) to read as follows and makes related conforming changes:

Sec. 81B.003. Same as House version.

(b) The prohibition under Subsection (a) applies only to the extent the prohibition does not conflict with the final rule adopted by the Centers for Medicare and Medicaid Services and published at 86 Fed. Reg. 61555 (November 5, 2021).

Sec. 81B.004. PROHIBITED CLOSURE MANDATE FOR PRIVATE BUSINESSES AND SCHOOLS.

Sec. 81B.004. Same as Senate version.

Sec. 81B.004. Same as Senate version.

SECTION 2. Effective date.

SECTION 2. Same as Senate version.

SECTION 2. Same as Senate version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 26, 2023

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB29 by Birdwell (Relating to prohibited governmental entity implementation or enforcement of a vaccine mandate, mask requirement, or private business or school closure to prevent the spread of COVID-19.), **Conference Committee Report**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, SD, SMAT, SL, ENA, ASA