

SUBJECT: Requiring elected officials to extend certain public health orders

COMMITTEE: Public Health — committee substitute recommended

VOTE: 7 ayes — Klick, Guerra, Allison, Jetton, Oliverson, Price, Smith

0 nays

4 absent — Campos, Coleman, Collier, Zwiener

SENATE VOTE: On final passage, April 9 — 31-0, on Local and Uncontested Calendar

WITNESSES: For — (*Registered, but did not testify:* Dee Chambless; Larue Decker; Glenda Hink; Calvin Tillman; Al Zito)

Against — (*Registered, but did not testify:* Julie Wheeler, Travis County Commissioners Court)

On — Daniel Collins, El Paso County; (*Registered, but did not testify:* Barbara Klein, Department of State Health Services; Ender Reed, Harris County Commissioners Court; Dan Finch, Texas Medical Association)

BACKGROUND: Health and Safety Code ch. 121, subch. B establishes that a health authority is a physician appointed to administer state and local laws relating to public health within the appointing body's jurisdiction. The duties of a health authority include establishing, maintaining, and enforcing quarantine in the health authority's jurisdiction as well as reporting the presence of contagious, infectious, and dangerous epidemic diseases in the health authority's jurisdiction to the Department of State Health Services in the manner and at the times prescribed by the department, among other responsibilities.

Interested parties have noted that while it is important for a local health department to have discretion in the initial imposition of an order to protect public health, public engagement with and confidence in the measure could be improved by requiring that local elected officials vote to

approve an extension of the initial order.

DIGEST:

CSSB 967 would establish that a public health order issued by a health authority would expire on the eighth day following the date the order was issued unless extended by certain local elected officials.

In order to extend the order for a longer period, the extension would have to be approved before the eighth day by a majority vote of:

- the governing body of a municipality or the commissioners court of a county that appointed the health authority; or
- if the health authority was jointly appointed by a municipality and county, the commissioner's court of the county.

The bill's requirements would apply only to a public health order imposed on more than one individual, animal, place, or object.

The bill would take effect September 1, 2021, and would apply only to a health order issued on or after that date.