

HEALTH AND SAFETY CODE

TITLE 2. HEALTH

SUBTITLE D. PREVENTION, CONTROL, AND REPORTS OF DISEASES; PUBLIC  
HEALTH DISASTERS AND EMERGENCIES

Chapter 81B, consisting of Secs. 81B.001 to 81B.004, was added by  
Acts 2023, 88th Leg., R.S., Ch. 336 (S.B. 29), Sec. 1.

For another Chapter 81B, consisting of Secs. 81B.001 to 81B.004,  
added by Acts 2023, 88th Leg., R.S., Ch. 1029 (S.B. 401), Sec. 1,  
see Sec. 81B.001 et seq., post.

CHAPTER 81B. PROHIBITED CORONAVIRUS PREVENTATIVE MEASURES

The following section was amended by the 89th Legislature. Pending  
publication of the current statutes, see H.B. 1620, 89th  
Legislature, Regular Session, for amendments affecting the  
following section.

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.

Added by Acts 2023, 88th Leg., R.S., Ch. 336 (S.B. 29), Sec. 1, eff.  
September 1, 2023.

The following section was amended by the 89th Legislature. Pending  
publication of the current statutes, see H.B. 1620, 89th  
Legislature, Regular Session, for amendments affecting the  
following section.

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 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 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.

Added by Acts 2023, 88th Leg., R.S., Ch. 336 (S.B. [29](#)), Sec. 1, eff. September 1, 2023.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [1620](#), 89th Legislature, Regular Session, for amendments affecting the following section.

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

(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).

Added by Acts 2023, 88th Leg., R.S., Ch. 336 (S.B. [29](#)), Sec. 1, eff. September 1, 2023.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [1620](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 81B.004. PROHIBITED CLOSURE MANDATE FOR PRIVATE

BUSINESSES AND SCHOOLS. A governmental entity may not implement, order, or otherwise impose a mandate requiring the closure of a private business, public school, open-enrollment charter school, or private school to prevent the spread of COVID-19.

Added by Acts 2023, 88th Leg., R.S., Ch. 336 (S.B. [29](#)), Sec. 1, eff. September 1, 2023.