

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

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.

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.

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.

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.