

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. 1029 (S.B. 401), Sec. 1.

For another Chapter 81B, consisting of Secs. 81B.001 to 81B.004,
added by Acts 2023, 88th Leg., R.S., Ch. 336 (S.B. 29), Sec. 1, see
Sec. 81B.001 et seq., post.

CHAPTER 81B. PRICE GOUGING OF MEDICAL STAFFING SERVICES DURING
DESIGNATED PUBLIC HEALTH DISASTER PERIOD

Sec. 81B.001. DEFINITION. In this chapter, "designated
public health disaster period" means a period:

(1) based on a threat to the public health, including a
threat from:

(A) a chemical, biological, explosive, nuclear,
or radiological attack or incident; or

(B) a communicable disease, epidemic, or
pandemic;

(2) beginning on the earlier of the date:

(A) the governor issues a proclamation or
executive order declaring a state of disaster under Chapter 418,
Government Code, for any area of this state;

(B) the president of the United States declares a
state of disaster that includes an area of this state as part of the
federally declared disaster area; or

(C) a disaster described by Paragraph (A) or (B)
occurs; and

(3) ending on the 30th day after the date the disaster
declaration expires or is terminated.

Added by Acts 2023, 88th Leg., R.S., Ch. 1029 (S.B. 401), Sec. 1,
eff. September 1, 2023.

Sec. 81B.002. APPLICABILITY. This chapter applies only to
a medical staffing services agency that provides the following
health care professionals to fill vacancies or address temporary

staffing needs during a designated public health disaster period:

- (1) physician assistants licensed under Chapter 204, Occupations Code;
- (2) surgical assistants licensed under Chapter 206, Occupations Code;
- (3) nurses licensed under Chapter 301, Occupations Code; or
- (4) nurse aides listed in the nurse aide registry under Chapter 250.

Added by Acts 2023, 88th Leg., R.S., Ch. 1029 (S.B. 401), Sec. 1, eff. September 1, 2023.

Sec. 81B.003. PROHIBITED PRICE GOUGING DURING DESIGNATED PUBLIC HEALTH DISASTER PERIOD. During a designated public health disaster period, a medical staffing services agency to which this chapter applies may not, in an area subject to the declared state of disaster:

- (1) provide medical staffing services to a health care organization or other entity in this state at an exorbitant or excessive price; or
- (2) demand or charge an exorbitant or excessive price to provide medical staffing services to a health care organization or other entity in this state.

Added by Acts 2023, 88th Leg., R.S., Ch. 1029 (S.B. 401), Sec. 1, eff. September 1, 2023.

Sec. 81B.004. CIVIL PENALTY; INJUNCTION. (a) A medical staffing services agency that violates this chapter is subject to a civil penalty in an amount not to exceed \$10,000 for each violation.

(b) The consumer protection division of the office of the attorney general may bring an action in the name of the state to:

- (1) recover a civil penalty under this section; or
- (2) temporarily or permanently restrain or enjoin the person from violating this chapter.

(c) The consumer protection division of the office of the attorney general may recover reasonable expenses incurred in obtaining a civil penalty under this section, including court

costs, reasonable attorney's fees, expert witness fees, deposition expenses, and investigatory costs.

(d) An action under this section may be brought:

(1) in a district court of the county in which:

(A) the defendant resides;

(B) the defendant's principal place of business is located;

(C) the defendant conducts business; or

(D) the transaction giving rise to the claim occurred; or

(2) on the consent of the parties, in a district court of Travis County.

Added by Acts 2023, 88th Leg., R.S., Ch. 1029 (S.B. [401](#)), Sec. 1, eff. September 1, 2023.