

BILL ANALYSIS

Senate Research Center
78R9953 DLF-D

H.B. 627
By: Reyna (Deuell)
Infrastructure Development and Security
5/6/2003
Engrossed

DIGEST AND PURPOSE

Article 81.085 of the Health and Safety Code provides a process for the commissioner of public health or one or more Health Authorities to establish a quarantine in an area affected by an outbreak of a communicable disease. Recent developments related to terrorist threats have highlighted the absence of a similar type of quarantine authority in the event of a bioterrorist attack. H.B. 627 authorizes the temporary implementation of an area quarantine if the commissioner of public health or one or more health authorities determine that the introduction of an environmental or toxic agent into the environment has occurred. H.B. 627 creates a penalty for the violation of the conditions imposed by the commissioner of public health or a health authority who has established a quarantine under the terms of this Act.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle D, Title 6, Health and Safety Code, by adding Chapter 508, as follows:

CHAPTER 508. AREA QUARANTINE FOR ENVIRONMENTAL OR TOXIC AGENT

Sec. 508.001. DEFINITIONS. Defines "environmental or toxic agent" and "health authority."

Sec. 508.002. APPLICABILITY. Provides that this chapter applies to any circumstance in which an environmental or toxic agent is introduced into the environment, including an act of terrorism.

Sec. 508.003. AREA QUARANTINE. (a) Authorizes the commissioner of public health or one or more health authorities, if the commissioner or an authority determines that the introduction of an environmental or toxic agent into the environment has occurred, to impose an area quarantine in the manner and subject to the procedures provided for an area quarantine imposed under Section 81.085. Authorizes the commissioner of public health or a health authority to, with respect to an area quarantine imposed under this chapter, exercise any power for a response to the introduction of an environmental or toxic agent into the environment under this section that is authorized by Section 81.085 for a response to an outbreak of a communicable disease. Requires the area quarantine to be accomplished by the least restrictive means necessary to protect public health considering the availability of resources.

(b) Provides that a quarantine imposed by a health authority under this section expires on a certain date.

Sec. 508.004. CRIMINAL PENALTY. Provides that a person commits an offense if the person knowingly fails or refuses to obey an order or instruction of the commissioner of public health or a health authority issued under this chapter and published during an area

quarantine under this section. Provides that an offense under this subsection is a felony of the third degree.

SECTION 2. Effective date: upon passage or September 1, 2003.