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# 2022 Texas Statutes

## Health and Safety Code

### Title 2 - Health

#### Subtitle D - Prevention, Control, and Reports of Diseases; Public Health Disasters and Emergencies

#### Chapter 81 - Communicable Diseases; Public Health Disasters; Public Health Emergencies

#### Subchapter E. Control; Public Health Disasters; Public Health Emergencies

### Section 81.082. Administration of Control Measures

**Universal Citation:** TX Health & Safety Code § 81.082 (2022)

Sec. 81.082. ADMINISTRATION OF CONTROL MEASURES. (a) A health authority has supervisory authority and control over the administration of communicable disease control measures in the health authority's jurisdiction unless specifically preempted by the department. Control measures imposed by a health authority must be consistent with, and

at least as stringent as, the control measure standards in rules adopted by the executive commissioner.

(b) A communicable disease control measure imposed by a health authority in the health authority's jurisdiction may be amended, revised, or revoked by the department if the department finds that the modification is necessary or desirable in the administration of a regional or statewide public health program or policy. A control measure imposed by the department may not be modified or discontinued until the department authorizes the action.

(c) The control measures may be imposed on an individual, animal, place, or object, as appropriate.

(c-1) A health authority may designate health care facilities within the health authority's jurisdiction that are capable of providing services for the examination, observation, quarantine, isolation, treatment, or imposition of control measures during a public health disaster or during an area quarantine under Section 81.085. A health authority may not designate a nursing facility or other institution licensed under Chapter 242.

(d) A declaration of a public health disaster or an order of public health emergency may continue for not more than 30 days after the date the disaster or emergency is declared or ordered by the commissioner. A public health disaster may be renewed by the legislature or by the commissioner with the approval of the legislative public health oversight board established under Section 81.0821 for an additional 30 days. A public health emergency order may be renewed by the commissioner for an additional 30 days. Each renewal period may not exceed 30 days.

(d-1) Notwithstanding Subsection (d), if the legislature or the legislative public health oversight board is unable to meet to consider the renewal of a declaration of a public health disaster, the declaration shall continue until the legislature or board meets unless the declaration is terminated by the commissioner or governor.

(d-2) Not later than the seventh day after the date the commissioner issues an initial declaration of a public health disaster or an order of a public health emergency, the commissioner shall consult with the chairs of the standing committees of the senate and house of representatives with primary jurisdiction over public health regarding the disaster or emergency.

(e) Repealed by Acts 2021, 87th Leg., R.S., Ch. 863 (S.B. 968), Sec. 17, eff. June 16, 2021.

(f) In this section, "control measures" includes:

- (1) immunization;
- (2) detention;
- (3) restriction;
- (4) disinfection;
- (5) decontamination;
- (6) isolation;
- (7) quarantine;
- (8) disinfestation;
- (9) chemoprophylaxis;
- (10) preventive therapy;
- (11) prevention; and
- (12) education.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 14, Sec. 20, eff. Sept. 1, 1991; Acts 2003, 78th Leg., ch. 198, Sec. 2.179, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 14.01, eff. September 1, 2007.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.0233, eff. April 2, 2015.

Acts 2021, 87th Leg., R.S., Ch. 861 (S.B. 966), Sec. 5, eff. June 16, 2021.

Acts 2021, 87th Leg., R.S., Ch. 863 (S.B. 968), Sec. 17, eff. June 16, 2021.

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