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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 81.0813. Authority to Declare
Public Health Disaster or Order Public
Health Emergency

Universal Citation: TX Health & Safety Code § 81.0813 (2022)

Sec. 81.0813. AUTHORITY TO DECLARE PUBLIC HEALTH DISASTER OR ORDER PUBLIC HEALTH EMERGENCY. (a) The commissioner may declare a statewide or regional public health disaster or order a statewide or regional public health emergency if the commissioner determines an occurrence or threat to public health is imminent. The

commissioner may declare a public health disaster only if the governor declares a state of disaster under Chapter 418, Government Code, for the occurrence or threat.

(b) Except as provided by Subsection (c), a public health disaster or public health emergency continues until the governor or commissioner terminates the disaster or emergency on a finding that:

(1) the threat or danger has passed; or

(2) the disaster or emergency has been managed to the extent emergency conditions no longer exist.

(c) A public health disaster or public health emergency expires on the 30th day after the date the disaster or emergency is declared or ordered by the commissioner. A public health disaster may only be renewed by the legislature or by the commissioner with the approval of a designated legislative oversight board that has been granted authority under a statute enacted by the legislature to approve the renewal of a public health disaster declaration. Each renewal period may not exceed 30 days.

(d) A declaration or order issued under this section must include:

(1) a description of the nature of the disaster or emergency;

(2) a designation of the area threatened by the disaster or emergency;

(3) a description of the condition that created the disaster or emergency; and

(4) if applicable:

(A) the reason for renewing the disaster or emergency; or

(B) the reason for terminating the disaster or emergency.

(e) A declaration or order issued under this section must be disseminated promptly by means intended to bring its contents to the public's attention. A statewide or regional declaration or order shall be filed promptly with the office of the governor and the secretary of state. A regional declaration or order shall be filed with the county clerk or municipal secretary in each area to which it applies, unless the circumstances attendant on the disaster or emergency prevent or impede the filing.

Added by Acts 2021, 87th Leg., R.S., Ch. 863 (S.B. 968), Sec. 12, eff. June 16, 2021.

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