



OFFICE OF THE DIRECTOR OF POLICE
THE UNIVERSITY OF TEXAS SYSTEM
TRAINING BULLETIN 007



CONTROL AND REPORTS OF COMMUNICABLE
DISEASES

Revised: FEBRUARY 19, 2020

I. PURPOSE

The purpose of this training bulletin is to inform and provide guidance to University of Texas System Police (UTSP) personnel with regard to control and reports of communicable diseases as well as issues reflected in Chapter 81 of the Health and Safety Code concerning isolation, quarantine, criminal offenses and peace officer duties related to Ch. 81 HSC.

This training bulletin shall be read in conjunction with ODOP/UTSP Policy 846, "UTSP Encounters with Communicable Diseases," Training Bulletin 006 "Ebola Virus Disease Officer Guidelines" October 13, 2014, Training Bulletin 008 "Review and Summary of Pertinent Case Law On Isolation and Quarantine" October 22, 2014, and Training Bulletin 009 "Overview of the Law Enforcement Role in Isolation and Quarantine Related Issues" November 26, 2014.

II. ISOLATION AND QUARANTINE, GENERAL

Isolation and quarantine help protect the public by preventing exposure to people who have or may have a contagious disease.

Isolation separates sick people with a contagious disease from people who are not sick.

Quarantine separates and restricts the movement of people who were exposed to a contagious disease to see if they become sick.

Source: <http://www.cdc.gov/quarantine/aboutlawsregulationsquarantineisolation.html>

In addition to serving as medical functions, isolation and quarantine also are "police power" functions, derived from the right of the state to take action affecting individuals for the benefit of society. Use of quarantine or isolation powers may create sensitive issues related to civil liberties. Individuals have rights to due process of law, and generally, isolation or quarantine must be carried out in the least restrictive setting necessary to maintain public health.

History

- Large-scale isolation and quarantine was last enforced during the Spanish Flu pandemic in 1918–1919.
- In 1963, a passenger arriving into the United States was placed under a federal quarantine order as a suspected case of smallpox.
- During the 2003 outbreak of Severe Acute Respiratory Syndrome (SARS), The US Centers for Disease Control did not issue isolation or quarantine orders. However, CDC did conduct active surveillance, visual screening of passengers, and handed out Travel Health Alert notices.
- In 2007, a traveler with drug-resistant Tuberculosis was placed in isolation.
- In 2014, an individual was diagnosed with Ebola and was held in isolation in a Dallas Hospital. The family members that the man resided with were quarantined in their home for the 21-day Ebola incubation period. While in quarantine, police surveyed the building and necessities were delivered to the family as there were prohibited from leaving or having visitors.
- In January 2020, there was the first case on the Corona Virus, newly named “COVID-19,” in the United States. After the World Health Organization declared a public health emergency due to the spread of the virus, President Trump suspended entry and travel from China and instructed officials to take, “all necessary and appropriate measures to facilitate orderly medical screening and, where appropriate, quarantine of persons allowed to enter the United States who may have been exposed to this virus.” In identified cases, a voluntary quarantine was elevated to a mandatory quarantine for the 14-day incubation period.

Source: <http://www.ncsl.org/research/health/state-quarantine-and-isolation-statutes.aspx>

III. ISOLATION AND QUARANTINE, Texas Health and Safety Code Criminal Penalties & Directions to Peace Officers Summary

Below is a summary of laws contained in Texas Health and Safety Code Chapter 81 “Communicable Diseases”. For more detailed information, please see <http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.81.htm>

Health Department or department means the Texas Department of Health (Sec. 11.001 HSC).
A Local Health Authority or health authority provides public health functions as established by the municipality or county that created it.
Property means an object; a parcel of land or a structure, animal, or other property on a parcel of land.

SUBCHAPTER A. Definitions

**Sec. 81.003
 Added Definitions**

(1-a) "Emergency response employee or volunteer" means an individual acting in the course and scope of employment or service as a volunteer as emergency medical service personnel, a peace officer, a detention officer, a county jailer, or a fire fighter.
(1-b) "Designated infection control officer" means the person serving as an entity's designated infection control officer under Section 81.012.
(2) "Health authority" means:
(A) a physician appointed as a health authority under Chapter 121 (Local Public Health Reorganization Act) or the health authority's designee; or
(B) a physician appointed as a regional director under Chapter 121 (Local Public Health Reorganization Act) who performs the duties of a health authority or the regional director's designee.

SUBCHAPTER C. REPORTS AND REPORTABLE DISEASES

**Sec. 81.012.
 Designated Infection
 Control Officer**

(a) An entity that employs or uses the services of an emergency response employee or volunteer shall nominate a designated infection control officer and an alternate designated infection control officer to:
(1) receive notification of a potential exposure to a reportable disease from a health care facility;
(2) notify the appropriate health care providers of a potential exposure to a reportable disease;
(3) act as a liaison between the entity's emergency response employees or volunteers who may have been exposed to a reportable disease during the course and scope of employment or service as a volunteer and the destination hospital of the patient who was the source of the potential exposure;
(4) investigate and evaluate an exposure incident, using current evidence-based information on the possible risks of communicable disease presented by the exposure incident; and
(5) monitor all follow-up treatment provided to the affected emergency response employee or volunteer, in accordance with applicable federal, state, and local law.
(b) The executive commissioner by rule shall prescribe the qualifications required for a person to be eligible to be designated as an infection control officer under this section. The qualifications must include a requirement that the person be trained as a health care

	<p><i>provider or have training in the control of infectious and communicable diseases.</i></p> <p><i>(c) The entity that employs or uses the services of an emergency response employee or volunteer is responsible for notifying the local health authorities or local health care facilities, according to any local rules or procedures, that the entity has a designated infection control officer or alternate designated infection control officer.</i></p>
<p>Sec. 81.046. Confidentiality</p>	<p><i>(f) Reports, records, and information relating to cases or suspected cases of diseases or health conditions may be released to the extent necessary during a public health disaster, including an outbreak of a communicable disease, to law enforcement personnel and first responders solely for the purpose of protecting the health or life of a first responder or the person identified in the report, record, or information. Only the minimum necessary information may be released under this subsection, as determined by the health authority, the local health department, or the department.</i></p> <p><i>(g) A judge of a county or district court may issue a protective order or take other action to limit disclosure of medical or epidemiological information obtained under this section before that information is entered into evidence or otherwise disclosed in a court proceeding.</i></p> <p><i>(h) For purposes of this section, "first responder" has the meaning assigned by Section 421.095 (Definitions), Government Code.</i></p>
<p>Sec. 81.048. Notification of Emergency Response Employee or Volunteer</p>	<p><i>(b) Notice of a positive or negative test result for a reportable disease designated under Subsection (a) shall be given to an emergency response employee or volunteer as provided by this section if:</i></p> <p><i>(1) the emergency response employee or volunteer delivered a person to a hospital as defined by Section 74.001, Civil Practice and Remedies Code;</i></p> <p><i>(2) the hospital has knowledge that the person has a reportable disease and has medical reason to believe that the person had the disease when the person was admitted to the hospital; and</i></p> <p><i>(3) the emergency response employee or volunteer was exposed to the reportable disease during the course and scope of the person's employment or service as a volunteer.</i></p> <p><i>(c) Notice of the possible exposure shall be given:</i></p> <p><i>(1) by the hospital to the local health authority;</i></p> <p><i>(2) by the hospital to the designated infection control officer of the entity that employs or uses the services of the affected emergency response employee or volunteer; and</i></p> <p><i>(3) by the local health authority or the designated infection control officer of the entity that employs or uses the services of the affected emergency response employee or volunteer to the employee or volunteer affected.</i></p>

	<p><i>(d) A person notified of a possible exposure under this section shall maintain the confidentiality of the information as provided by this chapter.</i></p> <p><i>(e) A person is not liable for good faith compliance with this section.</i></p> <p><i>(f) This section does not create a duty for a hospital to perform a test that is not necessary for the medical management of the person delivered to the hospital.</i></p> <p><i>(g) A hospital that gives notice of a possible exposure under Subsection (c) or a local health authority or designated infection control officer that receives notice of a possible exposure under Subsection (c) may give notice of the possible exposure to a person other than the affected emergency response employee or volunteer if the person demonstrates that the person was exposed to the reportable disease while providing emergency care. The executive commissioner shall adopt rules to implement this subsection.</i></p>
<p>Sec. 81.049. Failure To Report. CRIMINAL PENALTY.</p> <p>Class B misdemeanor</p>	<p><i>A person commits an offense if the person knowingly fails to report a reportable disease or health condition under this subchapter.</i></p>
<p>Sec. 81.050. Mandatory Testing of Persons Suspected of Exposing Certain Other Persons to Reportable Diseases, Including HIV Infection</p>	<p><i>(a) The executive commissioner by rule shall prescribe the criteria that constitute exposure to reportable diseases. The criteria must be based on activities that the United States Public Health Service determines pose a risk of infection.</i></p> <p><i>(b) A person whose occupation or whose volunteer service is included in one or more of the following categories may request the department or a health authority to order testing of another person who may have exposed the person to a reportable disease:</i></p> <p><i>(1) a law enforcement officer;</i></p> <p><i>(2) a fire fighter;</i></p> <p><i>(3) an emergency medical service employee or paramedic;</i></p> <p><i>(4) a correctional officer;</i></p> <p><i>(5) an employee, contractor, or volunteer, other than a correctional officer, who performs a service in a correctional facility as defined by Section 1.07 (Definitions), Penal Code, or a secure correctional facility or secure detention facility as defined by Section 51.02 (Definitions), Family Code;</i></p> <p><i>(6) an employee of a juvenile probation department; or</i></p> <p><i>(7) any other emergency response employee or volunteer.</i></p> <p><i>(c) A request under this section may be made only if the person:</i></p> <p><i>(1) has experienced the exposure in the course of the persons employment or volunteer service;</i></p>

	<p>(2) believes that the exposure places the person at risk of a reportable disease; and</p> <p>(3) presents to the department or health authority a sworn affidavit that delineates the reasons for the request.</p>
<p>SUBCHAPTER D. INVESTIGATION AND INSPECTION</p>	
<p>Sec. 81.061. Investigation.</p>	<p>(a) The department shall investigate the causes of communicable disease and methods of prevention.</p> <p>(b) The department may require special investigations of specified cases of disease to evaluate the status in this state of epidemic, endemic, or sporadic diseases.....</p>
<p>Sec. 81.064. Inspection.</p>	<p>The department or a health authority may enter at reasonable times and inspect within reasonable limits a public place in the performance of that person's duty to prevent or control the entry into or spread in this state of communicable disease by enforcing this chapter or the rules of the board adopted under this chapter.</p> <p>(b) In this section, "a public place" means all or any portion of an area, building or other structure, or conveyance that is not used for private residential purposes, regardless of ownership.</p> <p>(c) Evidence gathered during an inspection by the department or health authority under this section may not be used in a criminal proceeding other than a proceeding to assess a criminal penalty under this chapter.</p>
<p>Sec. 81.065. Right Of Entry.</p>	<p>For an investigation or inspection, the commissioner, an employee of the department, or a health authority has the right of entry on land or in a building, vehicle, watercraft, or aircraft and the right of access to an individual, animal, or object that is in isolation, detention, restriction, or quarantine instituted by the commissioner.....</p>
<p>Sec. 81.066. Concealing Communicable Disease Or Exposure To Communicable Disease CRIMINAL PENALTY</p> <p>Class B misdemeanor</p>	<p>A person commits an offense if the person knowingly conceals or attempts to conceal from the department, a health authority, or a peace officer, during the course of an investigation under this chapter, the fact that:</p> <p>(1) the person has, has been exposed to, or is the carrier of a communicable disease that is a threat to the public health; or</p> <p>(2) a minor child or incompetent adult of whom the person is a parent, managing conservator, or guardian has, has been exposed to, or is the carrier of a communicable disease that is a threat to the public health.</p>

<p>Sec. 81.067. Concealing, Removing, Or Disposing Of An Infected Or Contaminated Object CRIMINAL PENALTY</p> <p>Class B misdemeanor</p>	<p><i>A person commits an offense if the person knowingly conceals, removes, or disposes of an infected or contaminated animal, object, vehicle, watercraft, or aircraft that is the subject of an investigation under this chapter by the department, a health authority, or a peace officer.</i></p>
<p>Sec. 81.068. Refusing Entry Or Inspection. CRIMINAL PENALTY</p> <p>Class A misdemeanor</p>	<p><i>A person commits an offense if the person knowingly refuses or attempts to refuse entry to the department, a health authority, or a peace officer on presentation of a valid search warrant to investigate, inspect, or take samples on premises controlled by the person or by an agent of the person acting on the person's instruction.</i></p> <p><i>(b) A person commits an offense if the person knowingly refuses or attempts to refuse inspection under Section 81.064 or entry or access under Section 81.065.</i></p>
<p><i>SUBCHAPTER E. CONTROL</i></p>	
<p>Sec. 81.082. Administration Of Control Measures.</p>	<p><i>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....</i></p> <p><i>...c) The control measures may be imposed on an individual, animal, place, or object, as appropriate....</i></p> <p><i>(d) A declaration of a public health disaster may continue for not more than 30 days. A public health disaster may be renewed one time by the commissioner for an additional 30 days.</i></p>
<p>Sec. 81.083. Application Of Control Measures To Individual</p>	<p><i>...If the department or a health authority has reasonable cause to believe that an individual is ill with, has been exposed to, or is the carrier of a communicable disease, the department or health authority may order the individual, or the individual's parent, legal guardian, or managing conservator if the individual is a minor, to implement control measures that are reasonable and necessary to prevent the introduction, transmission, and spread of the disease in this state.</i></p> <p><i>(c) An order under this section must be in writing and be delivered personally or by registered or certified mail to the individual or to the individual's parent, legal guardian, or managing conservator if the individual is a minor.</i></p> <p><i>(d) An order under this section is effective until the individual is no longer infected with a communicable disease or, in the case of a</i></p>

	<p><i>suspected disease, expiration of the longest usual incubation period for the disease.</i></p> <p><i>(e) An individual may be subject to court orders under Subchapter G if the individual is infected or is reasonably suspected of being infected with a communicable disease that presents an immediate threat to the public health and:</i></p> <p><i>(1) the individual, or the individual's parent, legal guardian, or managing conservator if the individual is a minor, does not comply with the written orders of the department or a health authority under this section; or</i></p> <p><i>(2) a public health disaster exists, regardless of whether the department or health authority has issued a written order and the individual has indicated that the individual will not voluntarily comply with control measures....</i></p> <p><i>..... If the department or a health authority has reasonable cause to believe that a group of five or more individuals has been exposed to or infected with a communicable disease, the department or health authority may order the members of the group to implement control measures that are reasonable and necessary to prevent the introduction, transmission, and spread of the disease in this state. If the department or health authority adopts control measures under this subsection, each member of the group is subject to the requirements of this section.</i></p> <p><i>(l) An order under Subsection (k) must be in writing and be delivered personally or by registered or certified mail to each member of the group, or the member's parent, legal guardian, or managing conservator if the member is a minor....</i></p> <p><i>.....that the department or health authority may request that an application for court orders under Subchapter G be filed for the group, if applicable; and</i></p> <p><i>(6) that a criminal penalty applies to an individual who:</i></p> <p><i>(A) is a member of the group; and</i></p> <p><i>(B) knowingly refuses to perform or allow the performance of the control measures in the order... ..</i></p> <p><i>....(m) A peace officer....may use reasonable force to:</i></p> <p><i>(1) secure the members of a group subject to an order issued under Subsection (k); and</i></p> <p><i>(2) except as directed by the department or health authority, prevent the members from leaving the group or other individuals from joining the group.</i></p>
--	---

<p>Sec. 81.084. Application Of Control Measures To Property.</p>	<p><i>(a) If the department or a health authority has reasonable cause to believe that property in its jurisdiction is or may be infected or contaminated with a communicable disease, the department or health authority may place the property in quarantine for the period necessary for a medical examination or technical analysis of samples taken from the property to determine if the property is infected or contaminated.....</i></p> <p><i>(b) The department or health authority shall send notice of its action by registered or certified mail or by personal delivery to the person who owns or controls the property.....</i></p> <p><i>(c) The department or health authority shall remove the quarantine and return control of the property to the person who owns or controls it if the property is found not to be infected or contaminated....</i></p> <p><i>(d) The department or health authority shall remove the quarantine and return control of the property to the person who owns or controls it if the control measures are effective...</i></p> <p><i>(d-1) In a public health disaster, the department or health authority by written order may require a person who owns or controls property to impose control measures that are technically feasible to disinfect or decontaminate the property.....</i></p> <p><i>A peace officer.... may use reasonable force to:</i></p> <p><i>(1) secure a property subject to a court order issued under this section; and</i></p> <p><i>(2) except as directed by the department or health authority, prevent an individual from entering or leaving the property subject to the order.</i></p>
<p>Sec. 81.085. Area Quarantine. AREA DEFINED</p> <p>Penalty listed below</p>	<p><i>(a) If an outbreak of communicable disease occurs in this state, the commissioner or one or more health authorities may impose an area quarantine coextensive with the area affected. The commissioner may impose an area quarantine, if the commissioner has reasonable cause to believe that individuals or property in the area may be infected or contaminated with a communicable disease, for the period necessary to determine whether an outbreak of communicable disease has occurred. A health authority may impose the quarantine only within the boundaries of the health authority's jurisdiction.</i></p> <p><i>(b) A health authority may not impose an area quarantine until the authority consults with the department. A health authority that imposes an area quarantine shall give written notice to and shall consult with the governing body of each county and municipality in</i></p>

	<p><i>the health authority's jurisdiction that has territory in the affected area as soon as practicable.</i></p> <p><i>(c) The department may impose additional disease control measures in a quarantine area that the department considers necessary and most appropriate to arrest, control, and eradicate the threat to the public health. Absent preemptive action by the department under this chapter or by the governor under Chapter 418, Government Code (Texas Disaster Act of 1975), a health authority may impose in a quarantine area under the authority's jurisdiction additional disease control measures that the health authority considers necessary and most appropriate to arrest, control, and eradicate the threat to the public health.</i></p> <p><i>(d) If an affected area includes territory in an adjacent state, the department may enter into cooperative agreements with the appropriate officials or agencies of that state to:</i></p> <ol style="list-style-type: none"> <i>(1) exchange morbidity, mortality, and other technical information;</i> <i>(2) receive extrajurisdictional inspection reports;</i> <i>(3) coordinate disease control measures;</i> <i>(4) disseminate instructions to the population of the area, operators of interstate private or common carriers, and private vehicles in transit across state borders; and</i> <i>(5) participate in other public health activities appropriate to arrest, control, and eradicate the threat to the public health.</i> <p><i>(e) The department or health authority may use all reasonable means of communication to inform persons in the quarantine area of the department's or health authority's orders and instructions during the period of area quarantine</i></p> <p><i>The department or, with the department's consent, a health authority may terminate an area quarantine.</i></p> <p><i>(g) To provide isolation and quarantine facilities during an area quarantine, the commissioner's court of a county, the governing body of a municipality, or the governing body of a hospital district may suspend the admission of patients desiring admission for elective care and treatment, except for needy or indigent residents for whom the county, municipality, or district is constitutionally or statutorily required to care.</i></p>
<p>Sec. 81.085. Area Quarantine. CRIMINAL PENALTY.</p> <p>Felony of the third degree</p>	<p><i>(h) A person commits an offense if the person knowingly fails or refuses to obey a rule, order, or instruction of the department or an order or instruction of a health authority issued under a department rule and published during an area quarantine under this section.</i></p> <p><i>(i) On request of the department during a public health disaster, an individual shall disclose the individual's immunization information. If</i></p>

	<p><i>the individual does not have updated or appropriate immunizations, the department may take appropriate action during a quarantine to protect that individual and the public from the communicable disease.</i></p> <p><i>(j) A peace officermay use reasonable force to:</i></p> <p><i>(1) secure a quarantine area; and</i></p> <p><i>(2) except as directed by the department or health authority, prevent an individual from entering or leaving the quarantine area.</i></p>
<p>Sec. 81.086. Application Of Control Measures To Private And Common Carriers And Private Conveyances.</p>	<p><i>This section applies to any private or common carrier or private conveyance, including a vehicle, aircraft, or watercraft, while the vehicle or craft is in this state.</i></p> <p><i>If the department or health authority has reasonable cause to believe that a carrier or conveyance has departed from or traveled through an area infected or contaminated with a communicable disease, the department or health authority may order the owner.....</i></p> <p><i>(1) stop the carrier</i></p> <p><i>(2) provide information on passengers and cargo manifests...</i></p> <p><i>(3)any illness suspected</i></p> <p><i>(4) any condition on board....that may lead to the spread of disease....</i></p> <p><i>(5) any control measures imposed</i></p>
<p>Sec. 81.087. Violation Of Control Measure Orders. CRIMINAL PENALTY.</p> <p>Class B misdemeanor</p>	<p><i>A person commits an offense if the person knowingly refuses to perform or allow the performance of certain control measures ordered by a health authority or the department under Sections 81.083-81.086.</i></p>
<p>Sec. 81.088. Removal, Alteration, Or Destruction Of Quarantine Devices. CRIMINAL PENALTY.</p> <p>Class B misdemeanor</p>	<p><i>A person commits an offense if the person knowingly or intentionally:</i></p> <p><i>(1) removes, alters, or attempts to remove or alter an object the person knows is a quarantine device, notice, or security item in a manner that diminishes the effectiveness of the device, notice, or item; or</i></p> <p><i>(2) destroys an object the person knows is a quarantine device, notice, or security item.</i></p>

<p>Sec. 81.089. Transportation. CRIMINAL PENALTY.</p> <p>Class A misdemeanor <i>(except that if the person acts with the intent to harm or defraud another, the offense is a felony of the third degree.)</i></p>	<p><i>(a) A person commits an offense if, before notifying the department or health authority at a port of entry or a place of first landing or first arrival in this state, the person knowingly or intentionally:</i></p> <p><i>(1) transports or causes to be transported into this state an object the person knows or suspects may be infected or contaminated with a communicable disease that is a threat to the public health;</i></p> <p><i>(2) transports or causes to be transported into this state an individual who the person knows has or is the carrier of a communicable disease that is a threat to the public health; or</i></p> <p><i>(3) transports or causes to be transported into this state a person, animal, or object in a private or common carrier or a private conveyance that the person knows is or suspects may be infected or contaminated with a communicable disease that is a threat to the public health.</i></p>
<p>Sec. 81.095. Testing For Accidental Exposure</p>	<p><i>a) In a case of accidental exposure of a health care worker to blood or other body fluids of a patient in a licensed hospital, the hospital, following a report of the exposure incident, shall take reasonable steps to test the patient for hepatitis B, hepatitis C, HIV, or any reportable disease.</i></p> <p><i>(b) This subsection applies only in a case of accidental exposure of certified emergency medical services personnel, an emergency response employee or volunteer, or a first responder who renders assistance at the scene of an emergency or during transport to the hospital to blood or other body fluids of a patient who is transported to a licensed hospital. The hospital receiving the patient, following a report of the exposure incident, shall take reasonable steps to test the patient for hepatitis B, hepatitis C, HIV, or any reportable disease if the report shows there is significant risk to the person exposed.</i></p>
<p>Sec. 81.0955. Testing For Accidental Exposure Involving A Deceased Person.</p>	<p><i>This section applies only to the accidental exposure to the blood or other body fluids of a person who dies at the scene of an emergency or during transport to the hospital involving an emergency response employee or volunteer who renders assistance at the scene of an emergency or during transport of a person to the hospital...</i></p> <p><i>A hospital, a justice of the peace, a medical examiner, shall take reasonable steps to have test the deceased person tested for reportable diseases to test the deceased person for communicable diseases.</i></p> <p><i>The hospital, certified emergency medical services personnel, justice of the peace, medical examiner, or physician shall provide the test results to the department or to the local health authority and to the designated infection control officer of an affected emergency response employee or volunteer.</i></p>

<i>SUBCHAPTER G. COURT ORDERS FOR MANAGEMENT OF PERSONS WITH COMMUNICABLE DISEASES</i>	
Sec. 81.151. Application For Court Order.	<i>(a) At the request of the health authority, a municipal, county, or district attorney shall file a sworn written application for a court order for the management of a person with a communicable disease. At the request of the department, the attorney general shall file a sworn written application for a court order for the management of a person with a communicable disease.....</i>
Sec. 81.1511. Applicability Of Subchapter To Group.	<i>To the extent possible, and except as otherwise provided, if a group application is filed under Section 81.151(e), the provisions of this subchapter apply to the group in the same manner as they apply to an individual,....</i>
Sec. 81.160. Liberty Pending Hearing.	<i>The person who is the subject of an application for management is entitled to remain at liberty pending the hearing on the application unless the person is detained under an appropriate provision of this chapter.</i>
Sec. 81.161. Motion For Order Of Protective Custody.	<i>(a) A motion for an order of protective custody may be filed only in the court in which an application for a court order for the management of a person with a communicable disease is pending. (b) The motion may be filed by the municipal, county, or district attorney on behalf of the health authority. The motion shall be filed by the attorney general at the request of the department. (c) The motion must state that: (1) the department or health authority has reason to believe and does believe that the person meets the criteria authorizing the court to order protective custody;.....</i>
Sec. 81.162. Issuance Of Order	<i>a) The judge or designated magistrate may issue a protective custody order if the judge or magistrate determines: (1) that the health authority or department has stated its opinion and the detailed basis for its opinion that the person is infected with or is reasonably suspected of being infected with a communicable disease that presents an immediate threat to the public health; and (2) that the person fails or refuses to comply with the written orders of the health authority or the department under Section 81.083, if applicable. (b) Noncompliance with orders issued under Section 81.083 may be demonstrated by the person's behavior to the extent that the person cannot remain at liberty... ..</i>

<p>Sec. 81.163. Apprehension Under Order.</p>	<p><i>(a) A protective custody order shall direct a peace officer...to take the person who is the subject of the order into protective custody and transport the person immediately to an appropriate inpatient health facility that has been designated by the commissioner as a suitable place... ..</i></p>
<p>Sec. 81.165. Probable Cause Hearing.</p>	<p><i>(a) A hearing must be held to determine if: (1) there is probable cause to believe that a person under a protective custody order presents a substantial risk of serious harm to himself or others to the extent that the person cannot be at liberty pending the hearing on a court order for the management of a person with a communicable disease; and (2) the health authority or department has stated its opinion and the detailed basis for its opinion that the person is infected with or is reasonably suspected of being infected with a communicable disease that presents an immediate threat to public health.....</i></p>
<p>Sec. 81.166. Order For Continued Detention.</p>	<p><i>The magistrate or master shall order that a person remain in protective custody if the magistrate or master determines after the hearing that an adequate factual basis exists for probable cause to believe that the person presents a substantial risk of serious harm to himself or others to the extent that the person cannot remain at liberty pending the hearing on the application....</i></p>
<p>Sec. 81.176. Designation Of Facility.</p>	<p><i>In a court order for the temporary or extended management of a person with a communicable disease specifying inpatient care, the court shall commit the person to a health care facility designated by the commissioner or a health authority in accordance with Section 81.159.</i></p>
<p>Sec 81.179. Transport Of Person</p>	<p><i>(a) The court shall order the sheriff or constable to transport the person to the designated health care facility. (b) A female shall be accompanied by a female attendant during conveyance to the health care facility. (c) The health authority or department shall instruct the sheriff or constable on procedures that may be necessary in transporting the person to prevent the spread of the disease.</i></p>
<p>Sec. 81.209. Use Of Physical Restraint. <i>(Note; Applies only to SUBCHAPTER G.)</i></p>	<p><i>(a) A physical restraint may not be applied to a person unless a physician prescribes the restraint. (b) A physical restraint shall be removed as soon as possible. (c) Each use of a physical restraint and the reason for the use shall be made a part of the patient's clinical record. The physician who prescribed the restraint shall sign the record.</i></p>

<p>Sec. 81.185. Apprehension And Release Under Order For Temporary Detention.</p>	<p><i>(a) The order for temporary detention shall direct a peace officer, including a sheriff or constable, to take the person into custody and immediately transport the person to an appropriate inpatient health care facility. The person shall be transported to a facility considered suitable by the health authority if an appropriate inpatient health care facility is not available.</i></p> <p><i>(b) A person may be detained under a temporary detention order for not longer than 72 hours, excluding Saturdays, Sundays, legal holidays, and the period prescribed by Section 81.165(b) for an extreme weather emergency.</i></p>
<p>Sec. 81.194. Return to Facility</p>	<p><i>If a person is permitted to leave a facility under Section 81.193 (Pass From Inpatient Care), the head of the facility may have the person taken into custody, detained, and returned to the facility by:</i></p> <p><i>(1) signing a certificate authorizing the persons return; or</i></p> <p><i>(2) filing the certificate with a magistrate and requesting the magistrate to order the persons return.</i></p> <p><i>(b)The health authority or department may also have a person returned by signing the certificate authorized by Subsection (a)(1).</i></p> <p><i>(c) A magistrate may issue an order directing a peace officer to take a person into custody and return the person to the facility if the head of the facility, health authority, or department files the certificate as prescribed by this section.</i></p> <p><i>(d) The head of the facility, health authority, or department may sign or file the certificate on a reasonable belief that:</i></p> <p><i>(1) the person is absent without authority from the facility;</i></p> <p><i>(2) the person has violated the conditions of a pass; or</i></p> <p><i>(3) the persons condition has deteriorated to the extent that the persons continued absence from the facility under a pass is inappropriate.</i></p> <p><i>(e) A peace officer shall take the person into custody and return the person to the facility as soon as possible if the persons return is authorized by the certificate or the court order.</i></p> <p><i>(f)The peace officer may take the person into custody without having the certificate or court order in the officers possession.</i></p>

<p>Sec. 81.212. Evading Or Resisting Apprehension Or Transport; CRIMINAL PENALTY.</p> <p>Class A misdemeanor</p>	<p><i>(a) A person who is subject to a protective custody order or temporary detention order issued by a court under this subchapter commits an offense if the person resists or evades apprehension by a sheriff, constable, or other peace officer enforcing the order or resists or evades transport to an appropriate inpatient health care facility or other suitable facility under the order.</i></p> <p><i>(b) A person commits an offense if the person assists a person who is subject to a protective custody order or temporary detention order issued by a court under this subchapter in resisting or evading apprehension by a sheriff, constable, or other peace officer enforcing the order or in resisting or evading transport to an appropriate inpatient health care facility or other suitable facility under the order.</i></p>
<p>Note: during any court proceedings listed in Subsection G</p>	<p><i>....If the department or health authority advises the court that the person must remain in isolation or quarantine and that exposure to the judge or the public would jeopardize the health and safety of those persons and the public health, the judge may order that a person entitled to a hearing may not appear in person and may appear only by teleconference or another means that the judge finds appropriate to allow the person to speak, to interact with witnesses, and to confer with the person's attorney.</i></p>
<p>Sec. 81.201. Writ Of Habeas Corpus.</p>	<p><i>This subchapter does not limit a person's right to obtain a writ of habeas corpus.</i></p>
<p>HSC CHAPTER 121. SUBTITLE F. LOCAL REGULATION OF PUBLIC HEALTH</p>	
<p>Sec. 122.005. Powers of Type A General-Law Municipality.</p>	<p><i>(a) The governing body of a Type A general-law municipality may take any action necessary or expedient to promote health or suppress disease, including actions to:</i></p> <p><i>(1) prevent the introduction of a communicable disease into the municipality, including stopping, detaining, and examining a person coming from a place that is infected or believed to be infected with a communicable disease;</i></p> <p><i>(2) establish, maintain, and regulate hospitals in the municipality or in any area within five miles of the municipal limits; or</i></p> <p><i>(3) abate any nuisance that is or may become injurious to the public health.</i></p> <p><i>(b) The governing body of a Type A general-law municipality may adopt rules:</i></p> <p><i>(1) necessary or expedient to promote health or suppress disease; or</i></p> <p><i>(2) to prevent the introduction of a communicable disease into the municipality, including quarantine rules, and may enforce those rules in the municipality and in any area within 10 miles of the municipality.</i></p>

	<i>(c) The governing body of a Type A general-law municipality may fine a person who fails or refuses to observe the orders and rules of the health authority.</i>
Sec. 122.006. Powers of Home-Rule Municipalities.	<i>A home-rule municipality may: (1) adopt rules to protect the health of persons in the municipality, including quarantine rules to protect the residents against communicable disease; and (2) provide for the establishment of quarantine stations, emergency hospitals, and other hospitals.</i>
TEXAS PENAL CODE OFFENSE	
Sec. 38.15. Interference With Public Duties. Class B misdemeanor	<i>(a) A person commits an offense if the person with criminal negligence interrupts, disrupts, impedes, or otherwise interferes with: (1) a peace officer while the peace officer is performing a duty or exercising authority imposed or granted by law; (2) a person who is employed to provide emergency medical services including the transportation of ill or injured persons while the person is performing that duty; 7) a person who: (A) has responsibility for assessing, enacting, or enforcing public health, environmental, radiation, or safety measures for the state or a county or municipality; (B) is investigating a particular site as part of the person's responsibilities under Paragraph (A); (C) is acting in accordance with policies and procedures related to the safety and security of the site described by Paragraph (B); and (D) is performing a duty or exercising authority imposed or granted under the Agriculture Code, Health and Safety Code, Occupations Code, or Water Code.</i>

Michael J. Heidingsfield
 Director of Police