

## POINT PAPER ON SENATE BILL (SB) 538

### PURPOSE

To explain why the over 50,000 natural health care practitioners of the Texas Health Freedom Coalition oppose SB 538 as currently written.

### SPECIFICS

- **The language of SB 538 is too vague, and allows the potential for very undesirable unintended consequences.** Examples follow.
- **There is no language which lays out the Constitutional principle under which the State of Texas is allowed to abrogate the Ninth Amendment of the United States Constitution via this bill.**
- **There is insufficient specificity concerning what constitutes a “state of infectious disease emergency.”** As currently written, the bill would allow the Governor and the Texas Department of State Health Services to declare an emergency simply due to an outbreak of normal childhood or seasonal illnesses. **This countermands the guidance published by the Infectious Disease Task Force, and testified to in public hearing at the Senate Health and Human Services Committee, that an emergency should be very narrowly defined.**
- **The bill language confuses the definitions of “infectious disease” and “communicable disease.”** They are not one and the same.
- **There is insufficient specificity of what constitutes “probable cause” of a “suspicion of exposure or being a carrier.”**
- **There is insufficient specificity of what constitutes “means of control.”** Our Coalition submitted a list of suggested inclusions and exclusions, which were rejected by the bill author.
- **No mention is made of the rights of Texans to both refuse treatment, and receive information about the treatment.**
- **The fiscal note’s statement “No significant fiscal implication to the State is anticipated.” is inaccurate at best.** The declaration of a statewide infectious disease emergency could have dire economic consequences, and cost the state heavily.
- **There is no specificity regarding the judicial procedures to be followed to protect the rights of the individual in the event of an infectious disease emergency.**

### RECOMMENDATION

Until these issues are addressed, please vote “NO” on this bill as currently written, and ask the authors to return the bill to committee for revision.