



Senate Health and Human Services
Texas Public Health Coalition Written Testimony
Senate Bill 967 by Sen. Lois Kolkhorst
March 23, 2021

Honorable Chair Kolkhorst and esteemed Members:

Thank you for the opportunity to testify on behalf of the more than 30 organizations of the Texas Public Health Coalition (TPHC). Our testimony today speaks on Senate Bill 967, as we wanted to share a few considerations on the potential public health implications of the bill.

TPHC understands how imperative it is, when combatting something as challenging as a global pandemic, to make sure that collectively all responding local leadership are on the same page, working together to defend the health of the public. In looking back at the COVID-19 outbreak and Texas' response, it is important to point out the delineation between public health orders and emergency declarations issued by local or state elected officials. Actions during COVID-19 that carried significant economic restrictions were carried out by emergency declarations of elected officials rather than by public health orders of local health authorities. Public health orders do not significantly impact people from a financial or civil liberties basis and are, for the most part, recommendations without teeth. Civil penalties, if there are any, for not following public health orders are minor. Health officials can mostly serve to inform, influence, and inspire --not detain, order, or compel.

Public health emergencies are incredibly complex circumstances. While COVID-19 required a response to an infectious disease outbreak, there are many other threats out there, including hurricanes, tornadoes, chemical plant accidents, oil refinery fires, or other natural or manmade disasters. Public health orders can help with managing drug-resistant TB in homeless shelters, stopping an aggressive influenza outbreak in a specific long-term care facility, addressing waterborne illnesses after a flood, or even investigating HIV outbreaks in rural communities due to shared needles during opioid use. Many of these events take longer than just seven days to resolve. Some may take months. We urge this committee to consider the implications of having to convene a local legislative body to extend public responses to each of these various scenarios and how the seven-day limitation of this bill could potentially hinder responses to local public health emergencies. As such, **TPHC would recommend for this committee to consider extending the seven day order to at least 30 days**, in order to allow for more flexibility when addressing instances that may require months of an effective local public health response.

Further, to meet the incredibly vast array of possible circumstances, health authorities must have the ability to quickly intervene and defend the public's health. Having to address a commissioner's court right in the middle of what can be considered the "fog of war" can be very challenging for even the most seasoned health experts. TPHC's considerations for SB 967 would be, **rather than convening the commissioner's court or other governing body of the local municipality, to allow instead a local elected official, such as a County Judge, to extend a public health order.** Convening a local governing body may require more time, logistical planning, public notice alerts, and other requirements and collaborations with a number of individuals that may take more time and hinder a quick enough response to the emergency at hand. Also as a reminder, all health authorities are appointed officials within this state. Local governing bodies already have the authority to intervene at times they feel are appropriate through the immediate removal of such appointed officials.

TPHC appreciates the efforts of this committee to improve the local public health response in light of lessons learned from COVID-19 and ask for considerations of public health implications moving forward. Thank you very much for the opportunity to comment. Should you have any questions, please do not hesitate to contact Troy Alexander, TMA director of legislative affairs, at troy.alexander@texmed.org.