



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTOX  
ATTORNEY GENERAL**

October 31, 1990

Mr. Jack E. Crump  
Executive Director  
Texas Commission on Jail Standards  
P. O. Box 12985  
Austin, Texas 78711

LO-90-84

Dear Mr. Crump:

You ask whether the Texas Commission on Jail Standards [hereinafter the commission] can amend its jail standards to require testing of individuals for tuberculosis. We believe there is express statutory authorization for such an amendment.

The commission is required by section 511.09 of the Government Code to "adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners." Gov't Code § 511.09(a)(2). Under a different mandate, the county is required to provide jails with the capacity to segregate "prisoners with communicable diseases from all other classes of prisoners." Local Gov't Code § 351.005(5).

Because tuberculosis is a communicable disease, we think there is no question that the commission is authorized to provide by rule for tuberculosis testing of county jail inmates. See generally Shelvin v. Lykos, 741 S.W.2d 178 (Tex. App. - Houston [1st Dist.] 1987), no writ (regarding testing for AIDS); Health & Safety Code § 81.102.

Very truly yours,

Sarah Woelk, Chief  
Letter Opinion Section

APPROVED: Rick Gilpin, Chairman  
Opinion Committee

SW/lcd

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