

By: Kolkhorst, et al.

S.B. No. 3

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the regulation of certain facilities and activities of
3 political subdivisions, including public school districts, and
4 open-enrollment charter schools.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. The heading to Chapter 250, Local Government
7 Code, is amended to read as follows:

8 CHAPTER 250. MISCELLANEOUS REGULATORY AUTHORITY OF
9 MUNICIPALITIES, ~~[AND]~~ COUNTIES, AND OTHER LOCAL GOVERNMENTS

10 SECTION 2. Chapter 250, Local Government Code, is amended
11 by adding Section 250.009 to read as follows:

12 Sec. 250.009. REGULATION OF CERTAIN FACILITIES AND
13 ACTIVITIES. (a) Each multiple-occupancy restroom, shower, and
14 changing facility of a political subdivision, including a public
15 school district, or an open-enrollment charter school must be
16 designated for and used only by persons of the same sex as stated on
17 a person's:

18 (1) birth certificate; or

19 (2) driver's license, personal identification
20 certificate, or license to carry a handgun, issued to the person by
21 the Department of Public Safety of the State of Texas.

22 (b) In an effort to ensure the right of each person to
23 participate in athletic activities and have access to restrooms,
24 locker rooms, showers, and changing facilities with privacy,

1 dignity, and safety, and except in accordance with federal law as
2 enacted by Congress and interpreted in controlling federal case law
3 and state law as enacted by the legislature and interpreted in
4 controlling case law of this state, a political subdivision,
5 including a public school district, or an open-enrollment charter
6 school may not adopt or enforce an order, ordinance, policy, or
7 other measure that:

8 (1) relates to the designation or use of a
9 multiple-occupancy restroom, shower, or changing facility;

10 (2) requires a private entity to adopt, or prohibits
11 the entity from adopting, a policy on the designation or use of the
12 entity's multiple-occupancy restrooms, showers, or changing
13 facilities; or

14 (3) allows a person whose birth certificate states
15 their sex as male to participate in athletic activities designated
16 for a person whose birth certificate states their sex as female.

17 (c) A private entity that leases or contracts to use a
18 building owned or leased by a political subdivision, including a
19 public school district, or an open-enrollment charter school is not
20 subject to Subsection (a). A political subdivision, including a
21 public school district, or an open-enrollment charter school may
22 not require the private entity to adopt, or prohibit the private
23 entity from adopting, a policy on the designation or use of
24 restrooms, showers, or changing facilities located in the building.

25 (d) This section may be enforced only through an action
26 instituted by the attorney general for mandamus or injunctive
27 relief. The attorney general may recover costs and attorney's fees

1 related to enforcing this section.

2 (e) This section does not preclude a political subdivision,
3 including a public school district, or an open-enrollment charter
4 school from adopting an ordinance, order, policy, or other measure
5 regarding the use of a restroom, shower, or changing facility by a
6 person not of the designated sex to:

7 (1) assist in the restroom, shower, or changing
8 facility:

9 (A) a person with a disability;

10 (B) a child under the age of eight; or

11 (C) an elderly person.

12 (2) be assisted in the restroom, shower, or changing
13 facility, if the person is a person described by Subdivision
14 (1)(A), (B), or (C);

15 (3) render medical or other emergency assistance; or

16 (4) maintain the restroom, shower, or changing
17 facility when the restroom, shower, or changing facility is not in
18 use.

19 (f) This section does not prohibit a political subdivision,
20 including a public school district, or an open-enrollment charter
21 school from providing an accommodation, including a
22 single-occupancy restroom, shower, or changing facility or the
23 controlled use of a faculty restroom, shower, or changing facility,
24 on request due to special circumstances.

25 SECTION 3. Subchapter Z, Chapter 2252, Government Code, is
26 amended by adding Section 2252.909 to read as follows:

27 Sec. 2252.909. CONSIDERATION OF CERTAIN POLICIES

1 PROHIBITED. In awarding a contract for the purchase of goods or
2 services, a political subdivision, including a public school
3 district, or an open-enrollment charter school may not consider
4 whether a private entity competing for the contract has adopted a
5 policy relating to the designation or use of the entity's bathrooms
6 or changing facilities.

7 SECTION 4. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect on the 91st day after the last day of the
12 legislative session.