

By: Tepper

H.B. No. 107

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the prohibition on instruction and certain activities
3 regarding sexual orientation or gender identity provided or allowed
4 by school districts, open-enrollment charter schools, and district
5 and charter school employees.

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

7 SECTION 1. Subchapter A, Chapter 28, Education Code, is
8 amended by adding Section 28.0043 to read as follows:

9 Sec. 28.0043. PROHIBITION ON INSTRUCTION AND CERTAIN
10 ACTIVITIES REGARDING SEXUAL ORIENTATION OR GENDER IDENTITY. (a)
11 Except as provided by Subsection (b), a school district,
12 open-enrollment charter school, or district or charter school
13 employee may not provide or allow a third party to provide
14 instruction, guidance, activities, or programming regarding sexual
15 orientation or gender identity to students enrolled in
16 prekindergarten through 12th grade.

17 (b) This section may not be construed to limit:

18 (1) a student's ability to engage in speech or
19 expressive conduct protected by the First Amendment to the United
20 States Constitution or by Section 8, Article I, Texas Constitution,
21 that does not result in material disruption to school activities;
22 or

23 (2) the ability of a person who is authorized by the
24 district to provide physical or mental health-related services to

1 provide the services to a student, subject to any required parental
2 consent.

3 SECTION 2. This Act applies beginning with the 2024-2025
4 school year.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect on the 91st day after the last day of the
10 legislative session.