

By: Rosenthal

H.B. No. 3918

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition, prevention, and remedying of certain discrimination.

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

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 100B to read as follows:

CHAPTER 100B. LIABILITY ARISING FROM DISCRIMINATION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 100B.001. DEFINITIONS. In this chapter:

(1) "Aggrieved person" includes any person who:

(A) claims to have been injured by a discriminatory practice; or

(B) believes that the person will be injured by a discriminatory practice that is about to occur.

(2) "Discriminatory practice" means an act prohibited by this chapter.

(3) "Gender identity or expression" means having or being perceived as having a gender-related identity, appearance, expression, or behavior, regardless of whether that identity, appearance, expression, or behavior is different from that commonly associated with the individual's actual or perceived sex.

(4) "Public accommodation" means a business or other entity that offers to the public food, shelter, recreation or amusement, or any other goods, service, privilege, facility, or

1 accommodation.

2 (5) "Religious organization" means:

3 (A) a religious corporation, association, or
4 society; or

5 (B) a school, institution of higher education, or
6 other educational institution, not otherwise a religious
7 organization, that:

8 (i) is wholly or substantially controlled,
9 managed, owned, or supported by a religious organization; or

10 (ii) has a curriculum directed toward the
11 propagation of a particular religion.

12 (6) "Sexual orientation" means the actual or perceived
13 status of an individual with respect to the individual's sexuality.

14 Sec. 100B.002. APPLICABILITY OF CHAPTER. (a) Except as
15 provided by Subsection (b), this chapter does not apply to a
16 religious organization.

17 (b) This chapter applies to activities conducted by a
18 religious organization for profit to the extent that those
19 activities are subject to federal taxation under Section 511(a),
20 Internal Revenue Code of 1986, as that section existed on September
21 1, 2023.

22 SUBCHAPTER B. DISCRIMINATION IN PUBLIC ACCOMMODATIONS PROHIBITED

23 Sec. 100B.051. PUBLIC ACCOMMODATIONS. (a) Except as
24 provided by Subsection (b), a person engages in a discriminatory
25 practice and violates this chapter if the person, because of the
26 sexual orientation or gender identity or expression of an
27 individual:

1 (1) denies that individual full and equal
2 accommodation in any place of public accommodation in this state,
3 subject only to the conditions established by law and applicable to
4 all persons; or

5 (2) otherwise discriminates against or segregates or
6 separates the individual in a place of public accommodation in this
7 state based on sexual orientation or gender identity or expression.

8 (b) A person does not engage in a discriminatory practice or
9 violate this chapter under Subsection (a) if segregation or
10 separation of an individual is necessary to provide a service that:

11 (1) provides acceptance, support, and understanding
12 to the individual;

13 (2) assists the individual with coping with the
14 individual's sexual orientation or gender identity or expression,
15 maintaining social support, and exploring and identifying the
16 individual's identity; or

17 (3) provides support to an individual undergoing a
18 gender transition.

19 (c) The services described by Subsection (b)(2) include a
20 sexual orientation-neutral intervention for preventing or
21 addressing unlawful conduct or unsafe sexual practices if the
22 intervention does not seek to change the individual's sexual
23 orientation or gender identity or expression.

24 SUBCHAPTER C. CAUSE OF ACTION

25 Sec. 100B.101. CIVIL ACTION. An aggrieved person may file a
26 civil action in district court not later than the second
27 anniversary of the occurrence of the termination of an alleged

1 discriminatory practice under this chapter to obtain appropriate
2 relief with respect to the discriminatory practice.

3 Sec. 100B.102. RELIEF GRANTED. In an action under this
4 subchapter, if the court finds that a discriminatory practice has
5 occurred or is about to occur, the court may award to the plaintiff:

6 (1) actual and exemplary damages;

7 (2) reasonable attorney's fees;

8 (3) court costs; and

9 (4) any permanent or temporary injunction, temporary
10 restraining order, or other order, including an order enjoining the
11 defendant from engaging in the practice or ordering other
12 appropriate action.

13 SECTION 2. Articles 42.014(a) and (c), Code of Criminal
14 Procedure, are amended to read as follows:

15 (a) In the trial of an offense under Title 5, Penal Code, or
16 Section 28.02, 28.03, 28.08, or 42.0601, Penal Code, the judge
17 shall make an affirmative finding of fact and enter the affirmative
18 finding in the judgment of the case if at the guilt or innocence
19 phase of the trial, the judge or the jury, whichever is the trier of
20 fact, determines beyond a reasonable doubt that the defendant
21 intentionally selected the person against whom the offense was
22 committed, or intentionally selected the person's property that was
23 damaged or affected as a result of the offense, because of the
24 defendant's bias or prejudice against a group identified by race,
25 color, disability, religion, national origin or ancestry, age,
26 gender, ~~or~~ sexual orientation, or gender identity or expression
27 ~~[preference]~~ or by status as a peace officer or judge.

1 (c) In this article:

2 (1) "Gender identity or expression" means having or
3 being perceived as having a gender-related identity, appearance,
4 expression, or behavior, regardless of whether that identity,
5 appearance, expression, or behavior is different from that commonly
6 associated with the individual's actual or perceived sex.

7 (2) "Sexual orientation" means the actual or perceived
8 status of an individual with respect to the individual's
9 sexuality~~[, "sexual preference" has the following meaning only: a~~
10 ~~preference for heterosexuality, homosexuality, or bisexuality]~~.

11 SECTION 3. Subchapter D, Chapter 11, Education Code, is
12 amended by adding Section 11.172 to read as follows:

13 Sec. 11.172. DISCRIMINATION, HARASSMENT, AND RETALIATION
14 PROHIBITED. (a) In this section:

15 (1) "Gender identity or expression" means having or
16 being perceived as having a gender-related identity, appearance,
17 expression, or behavior, regardless of whether that identity,
18 appearance, expression, or behavior is different from that commonly
19 associated with the individual's actual or perceived sex.

20 (2) "Sexual orientation" means the actual or perceived
21 status of an individual with respect to the individual's sexuality.

22 (b) A school district or employee of a school district may
23 not:

24 (1) discriminate against or harass a district employee
25 or a student enrolled in the district on account of:

26 (A) the actual or perceived ethnicity, color,
27 gender, gender identity or expression, sexual orientation,

1 disability, religion, or national origin of the employee, student,
2 or student's parent; or

3 (B) one or more persons with whom the employee,
4 student, or student's parent associates; or

5 (2) retaliate against a district employee or a student
6 enrolled in the district for reporting potential discrimination or
7 harassment prohibited by Subdivision (1).

8 (c) This section applies to conduct that occurs:

9 (1) on school property;

10 (2) while attending a school-sponsored or
11 school-related activity on or off school property; or

12 (3) in connection with transportation of students in a
13 vehicle owned or operated by a school district or owned or operated
14 by another entity under contract with a school district.

15 (d) A school district shall provide periodic training to
16 district employees regarding prevention of discrimination and
17 harassment prohibited by this section and procedures for responding
18 to reported or observed incidents of prohibited discrimination or
19 harassment. The training may be provided in conjunction with any
20 training provided under Section 37.083.

21 (e) In accordance with rules adopted by the commissioner,
22 each school district shall report biennially to the agency
23 information regarding each incident of alleged discrimination or
24 harassment that occurred at each campus in the district during the
25 preceding two school years. The agency shall include the
26 information, disaggregated by campus, in the comprehensive
27 biennial report required by Section 39.332.

1 SECTION 4. Subchapter A, Chapter 1, Family Code, is amended
2 by adding Section 1.0015 to read as follows:

3 Sec. 1.0015. CONSTRUCTION OF GENDER-SPECIFIC TERMINOLOGY.
4 When necessary to implement the rights and duties of spouses or
5 parents in a marriage between persons of the same sex under the laws
6 of this state, gender-specific terminology must be construed in a
7 neutral manner to refer to a person of either gender.

8 SECTION 5. Section 2.001(a), Family Code, is amended to
9 read as follows:

10 (a) Two individuals [~~A man and a woman~~] desiring to enter
11 into a ceremonial marriage must obtain a marriage license from the
12 county clerk of any county of this state.

13 SECTION 6. Section 2.004(b), Family Code, is amended to
14 read as follows:

15 (b) The application form must contain:

16 (1) a heading entitled "Application for Marriage
17 License, _____ County, Texas";

18 (2) spaces for each applicant's full name, including
19 the [~~woman's maiden~~] surname of an applicant intending to change
20 the applicant's surname as a result of the marriage, address,
21 social security number, if any, date of birth, and place of birth,
22 including city, county, and state;

23 (3) a space for indicating the document tendered by
24 each applicant as proof of identity and age;

25 (4) spaces for indicating whether each applicant has
26 been divorced within the last 30 days;

27 (5) printed boxes for each applicant to check "true"

1 or "false" in response to the following statement: "I am not
2 presently married and the other applicant is not presently
3 married.";

4 (6) printed boxes for each applicant to check "true"
5 or "false" in response to the following statement: "The other
6 applicant is not related to me as:

7 (A) an ancestor or descendant, by blood or
8 adoption;

9 (B) a brother or sister, of the whole or half
10 blood or by adoption;

11 (C) a parent's brother or sister, of the whole or
12 half blood or by adoption;

13 (D) a son or daughter of a brother or sister, of
14 the whole or half blood or by adoption;

15 (E) a current or former stepchild or stepparent;
16 or

17 (F) a son or daughter of a parent's brother or
18 sister, of the whole or half blood or by adoption.";

19 (7) printed boxes for each applicant to check "true"
20 or "false" in response to the following statement: "I am not
21 presently delinquent in the payment of court-ordered child
22 support.";

23 (8) a printed oath reading: "I SOLEMNLY SWEAR (OR
24 AFFIRM) THAT THE INFORMATION I HAVE GIVEN IN THIS APPLICATION IS
25 CORRECT.";

26 (9) spaces immediately below the printed oath for the
27 applicants' signatures;

1 (10) a certificate of the county clerk that:

2 (A) each applicant made the oath and the date and
3 place that it was made; or

4 (B) an applicant did not appear personally but
5 the prerequisites for the license have been fulfilled as provided
6 by this chapter;

7 (11) spaces for indicating the date of the marriage
8 and the county in which the marriage is performed;

9 (12) a space for the address to which the applicants
10 desire the completed license to be mailed; and

11 (13) a printed box for each applicant to check
12 indicating that the applicant wishes to make a voluntary
13 contribution of \$5 to promote healthy early childhood by supporting
14 the Texas Home Visiting Program administered by the Department of
15 Family and Protective Services [~~Office of Early Childhood~~
16 ~~Coordination of the Health and Human Services Commission~~].

17 SECTION 7. Section 2.401(a), Family Code, is amended to
18 read as follows:

19 (a) In a judicial, administrative, or other proceeding, the
20 marriage of two individuals [~~a man and woman~~] may be proved by
21 evidence that:

22 (1) a declaration of their marriage has been signed as
23 provided by this subchapter; or

24 (2) the individuals [~~man and woman~~] agreed to be
25 married and after the agreement they lived together in this state as
26 spouses [~~husband and wife~~] and there represented to others that
27 they were married.

1 SECTION 8. Section 2.402(b), Family Code, is amended to
2 read as follows:

3 (b) The declaration form must contain:

4 (1) a heading entitled "Declaration and Registration
5 of Informal Marriage, _____ County, Texas";

6 (2) spaces for each party's full name, including the
7 ~~[woman's maiden]~~ surname of a party intending to change the party's
8 surname as a result of the marriage, address, date of birth, place
9 of birth, including city, county, and state, and social security
10 number, if any;

11 (3) a space for indicating the type of document
12 tendered by each party as proof of age and identity;

13 (4) printed boxes for each party to check "true" or
14 "false" in response to the following statement: "The other party
15 is not related to me as:

16 (A) an ancestor or descendant, by blood or
17 adoption;

18 (B) a brother or sister, of the whole or half
19 blood or by adoption;

20 (C) a parent's brother or sister, of the whole or
21 half blood or by adoption;

22 (D) a son or daughter of a brother or sister, of
23 the whole or half blood or by adoption;

24 (E) a current or former stepchild or stepparent;
25 or

26 (F) a son or daughter of a parent's brother or
27 sister, of the whole or half blood or by adoption.";

1 (5) a printed declaration and oath reading: "I
2 SOLEMNLY SWEAR (OR AFFIRM) THAT WE, THE UNDERSIGNED, ARE MARRIED TO
3 EACH OTHER BY VIRTUE OF THE FOLLOWING FACTS: ON OR ABOUT (DATE) WE
4 AGREED TO BE MARRIED, AND AFTER THAT DATE WE LIVED TOGETHER AS
5 SPOUSES [~~HUSBAND AND WIFE~~] AND IN THIS STATE WE REPRESENTED TO
6 OTHERS THAT WE WERE MARRIED. SINCE THE DATE OF MARRIAGE TO THE
7 OTHER PARTY I HAVE NOT BEEN MARRIED TO ANY OTHER PERSON. THIS
8 DECLARATION IS TRUE AND THE INFORMATION IN IT WHICH I HAVE GIVEN IS
9 CORRECT.";

10 (6) spaces immediately below the printed declaration
11 and oath for the parties' signatures; and

12 (7) a certificate of the county clerk that the parties
13 made the declaration and oath and the place and date it was made.

14 SECTION 9. Section 3.401, Family Code, is amended by adding
15 Subdivision (1) and amending Subdivisions (4) and (5) to read as
16 follows:

17 (1) "Civil union" means any relationship status other
18 than marriage that:

19 (A) is intended as an alternative to marriage or
20 applies primarily to cohabitating persons; and

21 (B) grants to the parties of the relationship
22 legal protections, benefits, or responsibilities granted to the
23 spouses of a marriage.

24 (4) "Marital estate" means one of three estates:

25 (A) the community property owned by the spouses
26 together and referred to as the community marital estate; or

27 (B) the separate property owned individually by

1 each spouse [~~the husband~~] and referred to as a separate marital
2 estate[, ~~or~~

3 [~~(C) the separate property owned individually by~~
4 ~~the wife, also referred to as a separate marital estate].~~

5 (5) "Spouse" means one of the two individuals who are
6 the parties to:

7 (A) a marriage; or

8 (B) [~~a husband, who is a man, or a wife, who is a~~
9 ~~woman. A member of]~~ a civil union [~~or similar relationship]~~ entered
10 into in another state [~~between persons of the same sex is not a~~
11 ~~spouse].~~

12 SECTION 10. Section 6.104(b), Family Code, is amended to
13 read as follows:

14 (b) In exercising its discretion, the court shall consider
15 the pertinent facts concerning the welfare of the parties to the
16 marriage, including whether a spouse [~~the female~~] is pregnant.

17 SECTION 11. Section 6.202(b), Family Code, is amended to
18 read as follows:

19 (b) The later marriage that is void under this section
20 becomes valid when the prior marriage is dissolved if, after the
21 date of the dissolution, the parties have lived together as spouses
22 [~~husband and wife~~] and represented themselves to others as being
23 married.

24 SECTION 12. Section 6.203, Family Code, is amended to read
25 as follows:

26 Sec. 6.203. CERTAIN VOID MARRIAGES VALIDATED. Except for a
27 marriage that would have been void under Section 6.201, a marriage

1 that was entered into before January 1, 1970, in violation of the
2 prohibitions of Article 496, Penal Code of Texas, 1925, is
3 validated from the date the marriage commenced if the parties
4 continued until January 1, 1970, to live together as spouses
5 [~~husband and wife~~] and to represent themselves to others as being
6 married.

7 SECTION 13. Section 6.704, Family Code, is amended to read
8 as follows:

9 Sec. 6.704. TESTIMONY OF SPOUSE [~~HUSBAND OR WIFE~~]. (a) In
10 a suit for dissolution of a marriage, each spouse is a [~~the husband~~
11 ~~and wife are~~] competent witness [~~witnesses~~] for and against the
12 [~~each~~] other spouse. A spouse may not be compelled to testify as to
13 a matter that will incriminate the spouse.

14 (b) If a spouse [~~the husband or wife~~] testifies, the court
15 or jury trying the case shall determine the credibility of the
16 witness and the weight to be given the witness's testimony.

17 SECTION 14. Subchapter B, Chapter 45, Family Code, is
18 amended by adding Section 45.108 to read as follows:

19 Sec. 45.108. CHANGE OF NAME AND VITAL STATISTICS
20 INFORMATION. (a) Subject to the eligibility requirements for a
21 name change under Section 45.103, a court shall order a change of
22 name under this subchapter for a petitioner whose petition is
23 accompanied by a sworn affidavit of a licensed physician stating
24 the petitioner identifies as a gender other than the gender
25 indicated on the petitioner's driver's license, birth certificate,
26 or other official document.

27 (b) A court that orders a change of name for a petitioner

1 under this section shall simultaneously order:

2 (1) the Department of Public Safety, as soon as
3 practicable, to change the petitioner's name and gender on the
4 petitioner's driver's license and other identification documents
5 under the department's control; and

6 (2) the vital statistics unit of the Department of
7 State Health Services, on receipt of a licensed physician's sworn
8 affidavit that the petitioner identifies as a gender other than the
9 gender indicated on the petitioner's birth certificate, to amend
10 the petitioner's birth certificate in the manner provided by
11 Section 192.011, Health and Safety Code, to reflect the
12 petitioner's true gender.

13 (c) This section may not be construed to require a surgical
14 procedure as a prerequisite for a court order under Subsection (a)
15 or (b).

16 SECTION 15. Chapter 51, Family Code, is amended by adding
17 Section 51.015 to read as follows:

18 Sec. 51.015. CONSTRUCTION OF GENDER-SPECIFIC TERMINOLOGY.
19 When necessary to implement the rights and duties of spouses or
20 parents in a marriage between persons of the same sex under the laws
21 of this state, gender-specific terminology must be construed in a
22 neutral manner to refer to a person of either gender.

23 SECTION 16. Chapter 101, Family Code, is amended by adding
24 Section 101.0012 to read as follows:

25 Sec. 101.0012. CONSTRUCTION OF GENDER-SPECIFIC
26 TERMINOLOGY. When necessary to implement the rights and duties of
27 spouses or parents in a marriage between persons of the same sex

1 under the laws of this state, gender-specific terminology must be
2 construed in a neutral manner to refer to a person of either gender.

3 SECTION 17. Section 101.024(a), Family Code, is amended to
4 read as follows:

5 (a) "Parent" means the mother, a man presumed to be the
6 father, an individual [~~a man~~] legally determined to be a parent [~~the~~
7 ~~father~~], an individual [~~a man~~] who has been adjudicated to be a
8 parent [~~the father~~] by a court of competent jurisdiction, a man who
9 has acknowledged his parentage [~~paternity~~] under applicable law, or
10 an adoptive mother or father. Except as provided by Subsection (b),
11 the term does not include a parent as to whom the parent-child
12 relationship has been terminated.

13 SECTION 18. Section 108.009(b), Family Code, is amended to
14 read as follows:

15 (b) The new certificate may not show that a parent-child
16 [~~the father and child~~] relationship was established after the
17 child's birth but may show the child's actual place and date of
18 birth.

19 SECTION 19. Section 152.310(d), Family Code, is amended to
20 read as follows:

21 (d) A privilege against disclosure of communications
22 between spouses and a defense of immunity based on the relationship
23 of spouses [~~husband and wife~~] or parent and child may not be invoked
24 in a proceeding under this subchapter.

25 SECTION 20. Section 153.312(b), Family Code, is amended to
26 read as follows:

27 (b) The following provisions govern possession of the child

1 for vacations and certain specific holidays and supersede
2 conflicting weekend or Thursday periods of possession. The
3 possessory conservator and the managing conservator shall have
4 rights of possession of the child as follows:

5 (1) the possessory conservator shall have possession
6 in even-numbered years, beginning at 6 p.m. on the day the child is
7 dismissed from school for the school's spring vacation and ending
8 at 6 p.m. on the day before school resumes after that vacation, and
9 the managing conservator shall have possession for the same period
10 in odd-numbered years;

11 (2) if a possessory conservator:

12 (A) gives the managing conservator written
13 notice by April 1 of each year specifying an extended period or
14 periods of summer possession, the possessory conservator shall have
15 possession of the child for 30 days beginning not earlier than the
16 day after the child's school is dismissed for the summer vacation
17 and ending not later than seven days before school resumes at the
18 end of the summer vacation, to be exercised in not more than two
19 separate periods of at least seven consecutive days each, with each
20 period of possession beginning and ending at 6 p.m. on each
21 applicable day; or

22 (B) does not give the managing conservator
23 written notice by April 1 of each year specifying an extended period
24 or periods of summer possession, the possessory conservator shall
25 have possession of the child for 30 consecutive days beginning at 6
26 p.m. on July 1 and ending at 6 p.m. on July 31;

27 (3) if the managing conservator gives the possessory

1 conservator written notice by April 15 of each year, the managing
2 conservator shall have possession of the child on any one weekend
3 beginning Friday at 6 p.m. and ending at 6 p.m. on the following
4 Sunday during one period of possession by the possessory
5 conservator under Subdivision (2), provided that the managing
6 conservator picks up the child from the possessory conservator and
7 returns the child to that same place; and

8 (4) if the managing conservator gives the possessory
9 conservator written notice by April 15 of each year or gives the
10 possessory conservator 14 days' written notice on or after April 16
11 of each year, the managing conservator may designate one weekend
12 beginning not earlier than the day after the child's school is
13 dismissed for the summer vacation and ending not later than seven
14 days before school resumes at the end of the summer vacation, during
15 which an otherwise scheduled weekend period of possession by the
16 possessory conservator will not take place, provided that the
17 weekend designated does not interfere with the possessory
18 conservator's period or periods of extended summer possession or
19 with Father's Day if the possessory conservator is a [the] father of
20 the child who is entitled to possession of the child for Father's
21 Day weekend that year.

22 SECTION 21. Sections 153.313 and 153.314, Family Code, are
23 amended to read as follows:

24 Sec. 153.313. PARENTS WHO RESIDE OVER 100 MILES APART. If
25 the possessory conservator resides more than 100 miles from the
26 residence of the child, the possessory conservator shall have the
27 right to possession of the child as follows:

1 (1) either regular weekend possession beginning on the
2 first, third, and fifth Friday as provided under the terms
3 applicable to parents who reside 100 miles or less apart or not more
4 than one weekend per month of the possessory conservator's choice
5 beginning at 6 p.m. on the day school recesses for the weekend and
6 ending at 6 p.m. on the day before school resumes after the weekend,
7 provided that the possessory conservator gives the managing
8 conservator 14 days' written or telephonic notice preceding a
9 designated weekend, and provided that the possessory conservator
10 elects an option for this alternative period of possession by
11 written notice given to the managing conservator within 90 days
12 after the parties begin to reside more than 100 miles apart, as
13 applicable;

14 (2) each year beginning at 6 p.m. on the day the child
15 is dismissed from school for the school's spring vacation and
16 ending at 6 p.m. on the day before school resumes after that
17 vacation;

18 (3) if the possessory conservator:

19 (A) gives the managing conservator written
20 notice by April 1 of each year specifying an extended period or
21 periods of summer possession, the possessory conservator shall have
22 possession of the child for 42 days beginning not earlier than the
23 day after the child's school is dismissed for the summer vacation
24 and ending not later than seven days before school resumes at the
25 end of the summer vacation, to be exercised in not more than two
26 separate periods of at least seven consecutive days each, with each
27 period of possession beginning and ending at 6 p.m. on each

1 applicable day; or

2 (B) does not give the managing conservator
3 written notice by April 1 of each year specifying an extended period
4 or periods of summer possession, the possessory conservator shall
5 have possession of the child for 42 consecutive days beginning at 6
6 p.m. on June 15 and ending at 6 p.m. on July 27;

7 (4) if the managing conservator gives the possessory
8 conservator written notice by April 15 of each year the managing
9 conservator shall have possession of the child on one weekend
10 beginning Friday at 6 p.m. and ending at 6 p.m. on the following
11 Sunday during one period of possession by the possessory
12 conservator under Subdivision (3), provided that if a period of
13 possession by the possessory conservator exceeds 30 days, the
14 managing conservator may have possession of the child under the
15 terms of this subdivision on two nonconsecutive weekends during
16 that time period, and further provided that the managing
17 conservator picks up the child from the possessory conservator and
18 returns the child to that same place; and

19 (5) if the managing conservator gives the possessory
20 conservator written notice by April 15 of each year, the managing
21 conservator may designate 21 days beginning not earlier than the
22 day after the child's school is dismissed for the summer vacation
23 and ending not later than seven days before school resumes at the
24 end of the summer vacation, to be exercised in not more than two
25 separate periods of at least seven consecutive days each, with each
26 period of possession beginning and ending at 6 p.m. on each
27 applicable day, during which the possessory conservator may not

1 have possession of the child, provided that the period or periods so
2 designated do not interfere with the possessory conservator's
3 period or periods of extended summer possession or with Father's
4 Day if the possessory conservator is a [the] father of the child who
5 is entitled to possession of the child for Father's Day weekend that
6 year.

7 Sec. 153.314. HOLIDAY POSSESSION UNAFFECTED BY DISTANCE
8 PARENTS RESIDE APART. The following provisions govern possession
9 of the child for certain specific holidays and supersede
10 conflicting weekend or Thursday periods of possession without
11 regard to the distance the parents reside apart. The possessory
12 conservator and the managing conservator shall have rights of
13 possession of the child as follows:

14 (1) the possessory conservator shall have possession
15 of the child in even-numbered years beginning at 6 p.m. on the day
16 the child is dismissed from school for the Christmas school
17 vacation and ending at noon on December 28, and the managing
18 conservator shall have possession for the same period in
19 odd-numbered years;

20 (2) the possessory conservator shall have possession
21 of the child in odd-numbered years beginning at noon on December 28
22 and ending at 6 p.m. on the day before school resumes after that
23 vacation, and the managing conservator shall have possession for
24 the same period in even-numbered years;

25 (3) the possessory conservator shall have possession
26 of the child in odd-numbered years, beginning at 6 p.m. on the day
27 the child is dismissed from school before Thanksgiving and ending

1 at 6 p.m. on the following Sunday, and the managing conservator
2 shall have possession for the same period in even-numbered years;

3 (4) the parent not otherwise entitled under this
4 standard possession order to present possession of a child on the
5 child's birthday shall have possession of the child beginning at 6
6 p.m. and ending at 8 p.m. on that day, provided that the parent
7 picks up the child from the residence of the conservator entitled to
8 possession and returns the child to that same place;

9 (5) if a conservator, the father shall have possession
10 of the child beginning at 6 p.m. on the Friday preceding Father's
11 Day and ending on Father's Day at 6 p.m., provided that, if he is not
12 otherwise entitled under this standard possession order to present
13 possession of the child, he picks up the child from the residence of
14 the conservator entitled to possession and returns the child to
15 that same place, except that if the child has two fathers appointed
16 as conservators, the managing conservator shall have possession of
17 the child for the period described by this subdivision in
18 even-numbered years and the possessory conservator shall have
19 possession of the child for that period in odd-numbered years; and

20 (6) if a conservator, the mother shall have possession
21 of the child beginning at 6 p.m. on the Friday preceding Mother's
22 Day and ending on Mother's Day at 6 p.m., provided that, if she is
23 not otherwise entitled under this standard possession order to
24 present possession of the child, she picks up the child from the
25 residence of the conservator entitled to possession and returns the
26 child to that same place, except that if the child has two mothers
27 appointed as conservators, the managing conservator shall have

1 possession of the child for the period described by this
2 subdivision in even-numbered years and the possessory conservator
3 shall have possession of the child for that period in odd-numbered
4 years.

5 SECTION 22. Section 85.007(b), Health and Safety Code, is
6 amended to read as follows:

7 (b) The materials in the education programs intended for
8 persons younger than 18 years of age must[+]

9 [~~(1)~~] emphasize sexual abstinence before marriage and
10 fidelity in marriage as the expected standard in terms of public
11 health and the most effective ways to prevent HIV infection,
12 sexually transmitted diseases, and unwanted pregnancies[~~, and~~

13 [~~(2) state that homosexual conduct is not an~~
14 ~~acceptable lifestyle and is a criminal offense under Section 21.06,~~
15 ~~Penal Code].~~

16 SECTION 23. Section 163.002, Health and Safety Code, is
17 amended to read as follows:

18 Sec. 163.002. INSTRUCTIONAL ELEMENTS. Course materials and
19 instruction relating to sexual education or sexually transmitted
20 diseases should include:

21 (1) an emphasis on sexual abstinence as the only
22 completely reliable method of avoiding unwanted teenage pregnancy
23 and sexually transmitted diseases;

24 (2) an emphasis on the importance of self-control,
25 responsibility, and ethical conduct in making decisions relating to
26 sexual behavior;

27 (3) statistics, based on the latest medical

1 information, that indicate the efficacy of the various forms of
2 contraception;

3 (4) information concerning the laws relating to the
4 financial responsibilities associated with pregnancy, childbirth,
5 and child rearing;

6 (5) information concerning the laws prohibiting
7 sexual abuse and the legal and counseling options available to
8 victims of sexual abuse;

9 (6) information on how to cope with and rebuff
10 unwanted physical and verbal sexual advances, as well as the
11 importance of avoiding the sexual exploitation of other persons;

12 (7) psychologically sound methods of resisting
13 unwanted peer pressure; and

14 (8) emphasis, provided in a factual manner and from a
15 public health perspective, that homosexuality is not a lifestyle
16 acceptable to the general public [~~and that homosexual conduct is a~~
17 ~~criminal offense under Section 21.06, Penal Code~~].

18 SECTION 24. Section 21.11(b), Penal Code, is amended to
19 read as follows:

20 (b) It is an affirmative defense to prosecution under this
21 section that the actor:

22 (1) was not more than three years older than the victim
23 [~~and of the opposite sex~~];

24 (2) did not use duress, force, or a threat against the
25 victim at the time of the offense; and

26 (3) at the time of the offense:

27 (A) was not required under Chapter 62, Code of

1 Criminal Procedure, to register for life as a sex offender; or

2 (B) was not a person who under Chapter 62, Code of
3 Criminal Procedure, had a reportable conviction or adjudication for
4 an offense under this section.

5 SECTION 25. Section 301.003, Property Code, is amended by
6 amending Subdivision (6) and adding Subdivisions (9-a) and (10-a)
7 to read as follows:

8 (6) "Disability" means a mental or physical impairment
9 that substantially limits at least one major life activity, a
10 record of the impairment, or being regarded as having the
11 impairment. The term does not include current illegal use or
12 addiction to any drug or illegal or federally controlled substance
13 [~~and does not apply to an individual because of an individual's~~
14 ~~sexual orientation or because that individual is a transvestite~~].

15 (9-a) "Gender identity or expression" means having or
16 being perceived as having a gender-related identity, appearance,
17 expression, or behavior, regardless of whether that identity,
18 appearance, expression, or behavior is different from that commonly
19 associated with the individual's actual or perceived sex.

20 (10-a) "Sexual orientation" means the actual or
21 perceived status of an individual with respect to the individual's
22 sexuality.

23 SECTION 26. Sections 301.021(a) and (b), Property Code, are
24 amended to read as follows:

25 (a) A person may not refuse to sell or rent, after the making
26 of a bona fide offer, refuse to negotiate for the sale or rental of,
27 or in any other manner make unavailable or deny a dwelling to

1 another because of race, color, religion, sex, familial status,
2 [~~or~~] national origin, sexual orientation, or gender identity or
3 expression.

4 (b) A person may not discriminate against another in the
5 terms, conditions, or privileges of sale or rental of a dwelling or
6 in providing services or facilities in connection with a sale or
7 rental of a dwelling because of race, color, religion, sex,
8 familial status, [~~or~~] national origin, sexual orientation, or
9 gender identity or expression.

10 SECTION 27. Section 301.022, Property Code, is amended to
11 read as follows:

12 Sec. 301.022. PUBLICATION. A person may not make, print, or
13 publish or effect the making, printing, or publishing of a notice,
14 statement, or advertisement that is about the sale or rental of a
15 dwelling and that indicates any preference, limitation, or
16 discrimination or the intention to make a preference, limitation,
17 or discrimination because of race, color, religion, sex,
18 disability, familial status, [~~or~~] national origin, sexual
19 orientation, or gender identity or expression.

20 SECTION 28. Section 301.023, Property Code, is amended to
21 read as follows:

22 Sec. 301.023. INSPECTION. A person may not represent to
23 another because of race, color, religion, sex, disability, familial
24 status, [~~or~~] national origin, sexual orientation, or gender
25 identity or expression that a dwelling is not available for
26 inspection for sale or rental when the dwelling is available for
27 inspection.

1 SECTION 29. Section 301.024, Property Code, is amended to
2 read as follows:

3 Sec. 301.024. ENTRY INTO NEIGHBORHOOD. A person may not,
4 for profit, induce or attempt to induce another to sell or rent a
5 dwelling by representations regarding the entry or prospective
6 entry into a neighborhood of a person of a particular race, color,
7 religion, sex, disability, familial status, [~~or~~] national origin,
8 sexual orientation, or gender identity or expression.

9 SECTION 30. Section 301.026(a), Property Code, is amended
10 to read as follows:

11 (a) A person whose business includes engaging in
12 residential real estate related transactions may not discriminate
13 against another in making a real estate related transaction
14 available or in the terms or conditions of a real estate related
15 transaction because of race, color, religion, sex, disability,
16 familial status, [~~or~~] national origin, sexual orientation, or
17 gender identity or expression.

18 SECTION 31. Section 301.027, Property Code, is amended to
19 read as follows:

20 Sec. 301.027. BROKERAGE SERVICES. A person may not deny
21 another access to, or membership or participation in, a
22 multiple-listing service, real estate brokers' organization, or
23 other service, organization, or facility relating to the business
24 of selling or renting dwellings, or discriminate against a person
25 in the terms or conditions of access, membership, or participation
26 in such an organization, service, or facility because of race,
27 color, religion, sex, disability, familial status, [~~or~~] national

1 origin, sexual orientation, or gender identity or expression.

2 SECTION 32. Sections 301.042(a) and (c), Property Code, are
3 amended to read as follows:

4 (a) This chapter does not prohibit a religious
5 organization, association, or society or a nonprofit institution or
6 organization operated, supervised, or controlled by or in
7 conjunction with a religious organization, association, or society
8 from:

9 (1) limiting the sale, rental, or occupancy of
10 dwellings that it owns or operates for other than a commercial
11 purpose to persons of the same religion; or

12 (2) giving preference to persons of the same religion,
13 unless membership in the religion is restricted because of race,
14 color, sex, disability, familial status, [~~or~~] national origin,
15 sexual orientation, or gender identity or expression.

16 (c) This chapter does not prohibit a person engaged in the
17 business of furnishing appraisals of real property from considering
18 in those appraisals factors other than race, color, religion, sex,
19 disability, familial status, [~~or~~] national origin, sexual
20 orientation, or gender identity or expression.

21 SECTION 33. Section 301.068, Property Code, is amended to
22 read as follows:

23 Sec. 301.068. REFERRAL TO MUNICIPALITY. (a) Subject to
24 Subsection (b), the [~~The~~] commission may defer proceedings under
25 this chapter and refer a complaint to a municipality that has been
26 certified by the federal Department of Housing and Urban
27 Development as a substantially equivalent fair housing agency.

1 (b) The commission may not defer proceedings and refer a
2 complaint under Subsection (a) to a municipality in which the
3 alleged discrimination occurred if:

4 (1) the complaint alleges discrimination based on
5 sexual orientation or gender identity or expression; and

6 (2) the municipality does not have laws prohibiting
7 the alleged discrimination.

8 SECTION 34. Section 301.171(a), Property Code, is amended
9 to read as follows:

10 (a) A person commits an offense if the person, without
11 regard to whether the person is acting under color of law, by force
12 or threat of force intentionally intimidates or interferes with a
13 person:

14 (1) because of the person's race, color, religion,
15 sex, disability, familial status, [~~or~~] national origin, sexual
16 orientation, or gender identity or expression and because the
17 person is or has been selling, purchasing, renting, financing,
18 occupying, or contracting or negotiating for the sale, purchase,
19 rental, financing, or occupation of any dwelling or applying for or
20 participating in a service, organization, or facility relating to
21 the business of selling or renting dwellings; or

22 (2) because the person is or has been or to intimidate
23 the person from:

24 (A) participating, without discrimination
25 because of race, color, religion, sex, disability, familial status,
26 [~~or~~] national origin, sexual orientation, or gender identity or
27 expression, in an activity, service, organization, or facility

1 described by Subdivision (1); ~~[or]~~

2 (B) affording another person opportunity or
3 protection to so participate; or

4 (C) lawfully aiding or encouraging other persons
5 to participate, without discrimination because of race, color,
6 religion, sex, disability, familial status, ~~[or]~~ national origin,
7 sexual orientation, or gender identity or expression, in an
8 activity, service, organization, or facility described by
9 Subdivision (1).

10 SECTION 35. The following laws are repealed:

11 (1) Section 2.001(b), Family Code;

12 (2) Section 6.204, Family Code;

13 (3) Sections 810.001(g), (h), and (i), Government
14 Code; and

15 (4) Section 21.06, Penal Code.

16 SECTION 36. Article 42.014, Code of Criminal Procedure, as
17 amended by this Act, applies only to an offense committed on or
18 after the effective date of this Act. An offense committed before
19 the effective date of this Act is governed by the law in effect on
20 the date the offense was committed, and the former law is continued
21 in effect for that purpose. For purposes of this section, an offense
22 was committed before the effective date of this Act if any element
23 of the offense occurred before that date.

24 SECTION 37. (a) Notwithstanding Section 11.172(e),
25 Education Code, as added by this Act, each school district shall
26 submit to the Texas Education Agency information described by that
27 subsection for the 2023-2024 school year not later than October 1,

1 2024, and the Texas Education Agency shall include the submitted
2 information in the comprehensive biennial report required by
3 Section 39.332, Education Code, to be submitted by the agency not
4 later than December 1, 2024. As authorized by Section 11.172(e),
5 Education Code, as added by this Act, the commissioner of education
6 in a timely manner shall adopt any rules necessary to implement the
7 deadlines specified by this subsection.

8 (b) Beginning with the comprehensive biennial report
9 required by Section 39.332, Education Code, to be submitted not
10 later than December 1, 2026, the Texas Education Agency shall
11 include information submitted by school districts in accordance
12 with Section 11.172(e), Education Code, as added by this Act, for
13 the preceding two school years.

14 (c) Section 11.172, Education Code, as added by this Act,
15 applies beginning with the 2023-2024 school year.

16 SECTION 38. Section 108.009(b), Family Code, as amended by
17 this Act, applies only to a new birth certificate for a child born
18 on or after the effective date of this Act. A new birth certificate
19 for a child born before that date is governed by the law in effect on
20 the date the child was born, and the former law is continued in
21 effect for that purpose.

22 SECTION 39. Sections 153.312(b), 153.313, and 153.314,
23 Family Code, as amended by this Act, apply only to a court order
24 providing for possession of or access to a child rendered on or
25 after the effective date of this Act. A court order rendered before
26 the effective date of this Act is governed by the law in effect on
27 the date the order was rendered, and the former law is continued in

1 effect for that purpose.

2 SECTION 40. Section 21.11(b), Penal Code, as amended by
3 this Act, applies to an offense committed on or after the effective
4 date of this Act and to any criminal action pending on the effective
5 date of this Act for an offense committed before that effective
6 date. A final conviction for an offense under Section 21.11, Penal
7 Code, that exists on the effective date of this Act is unaffected by
8 this Act.

9 SECTION 41. Sections 301.003, 301.021, 301.022, 301.023,
10 301.024, 301.026, 301.027, 301.042, 301.068, and 301.171, Property
11 Code, as amended by this Act, apply only to a complaint filed with
12 the Texas Workforce Commission civil rights division on or after
13 the effective date of this Act. A complaint filed before that date
14 is governed by the law as it existed immediately before the
15 effective date of this Act, and that law is continued in effect for
16 that purpose.

17 SECTION 42. (a) Except as otherwise provided by Subsection
18 (b) of this section, this Act takes effect September 1, 2023.

19 (b) Section 11.172, Education Code, as added by this Act,
20 takes effect immediately if this Act receives a vote of two-thirds
21 of all the members elected to each house, as provided by Section 39,
22 Article III, Texas Constitution. If this Act does not receive the
23 vote necessary for Section 11.172, Education Code, as added by this
24 Act, to have immediate effect, that section takes effect September
25 1, 2023.