

By: Brown of Brazos

H.B. No. 589

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting state agencies from collecting or storing racial information.

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

SECTION 1. Subtitle B, Title 10, Government Code, is amended by adding Chapter 2059 to read as follows:

CHAPTER 2059. RACIAL INFORMATION

Sec. 2059.001. DEFINITION. In this chapter, "state agency" means a department, commission, board, office, or other agency in the executive branch of state government created by the constitution or a statute of this state, including a university system and its components and an institution of higher education as defined by Section 61.003, Education Code.

Sec. 2059.002. COLLECTION OR STORAGE OF RACIAL INFORMATION PROHIBITED. Except as otherwise provided by this chapter, a state agency may not collect or store information relating to an individual's race, ethnicity, color, or national origin.

Sec. 2059.003. EXCEPTION: LAW ENFORCEMENT AND CRIMINAL JUSTICE. A law enforcement or criminal justice agency may collect, store, and use in otherwise lawful ways information relating to an individual's race, ethnicity, color, or national origin to the extent necessary to accomplish the agency's law enforcement or criminal justice duties.

Sec. 2059.004. EXCEPTION: HEALTH CARE. A state agency that

1 provides medical or public health services may collect and store
2 information relating to an individual's race, ethnicity, color, or
3 national origin if use of the information may be necessary to:

4 (1) provide better treatment for or prevent
5 occurrences of a disease or disorder; or

6 (2) perform medical research designed to provide
7 better treatment for or prevent occurrences of a disease or
8 disorder.

9 Sec. 2059.005. EXCEPTION: COMPLYING WITH FEDERAL LAW. A
10 state agency may collect and store information relating to an
11 individual's race, ethnicity, color, or national origin to the
12 extent necessary to comply with federal law or to establish or
13 maintain eligibility for any federal program, if losing eligibility
14 would result in a loss of federal funds to the state.

15 Sec. 2059.006. EXCEPTION: COURT ORDER. A state agency may
16 collect and store information relating to an individual's race,
17 ethnicity, color, or national origin if a consent decree or court
18 order that is in force on September 1, 2005, requires the state
19 agency to collect and store the information.

20 SECTION 2. Each state agency shall comply with the storage
21 requirements of Section 2059.002, Government Code, as added by this
22 Act, not later than September 1, 2006.

23 SECTION 3. This Act takes effect September 1, 2005.