

BILL ANALYSIS

Senate Research Center

S.B. 91
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 91 requires a multiple-occupancy restroom, shower, and changing facility of a political subdivision, including a public school, or a charter school to be designated for use by persons of the same sex as stated on their birth certificate.

Additionally, the bill prohibits a political subdivision, including a school, from establishing a policy or ordinance designed to protect a class of persons from discrimination to the extent that policy relates to accessing a multiple-occupancy restroom, shower, and changing facility, or the participation in extracurricular athletic activities.

S.B. 91 states that the Texas attorney general is the only person who can enforce this law and allows the attorney general to recoup fees and costs.

S.B. 91 allows a political subdivision to adopt a measure to protect a class of persons from discrimination if that measure is in accordance with any federal or state law, and not the more limited circumstances contained in S.B. 3.

S.B. 91 is designed to increase privacy and protections in bathrooms, changing rooms, and locker rooms.

As proposed, S.B. 91 amends current law relating to the regulation of certain facilities and activities of political subdivisions, including public school districts, and open-enrollment charter schools.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Chapter 250, Local Government Code, to read as follows:

CHAPTER 250. MISCELLANEOUS REGULATORY AUTHORITY OF MUNICIPALITIES,
COUNTIES, AND OTHER LOCAL GOVERNMENTS

SECTION 2. Amends Chapter 250, Local Government Code, by adding Section 250.009, as follows:

Sec. 250.009. REGULATION OF CERTAIN FACILITIES AND ACTIVITIES. (a) Requires that each multiple-occupancy restroom, shower, and changing facility of a political subdivision, including a public school district, or an open-enrollment charter school be designated for and used only by persons of the same sex as stated on a person's birth certificate.

(b) Prohibits a political subdivision, including a public school district, or an open-enrollment charter school, except in accordance with federal law and state law, from adopting or enforcing an order, ordinance, policy, or other measure to

protect a class of persons from discrimination to the extent that the order, ordinance, policy, or other measure regulates access to multiple-occupancy restrooms, showers, or changing facilities, or participation in athletic activities.

(c) Authorizes this section to be enforced only through an action instituted by the Texas attorney general (attorney general) for mandamus or injunctive relief. Authorizes the attorney general to recover costs and attorney's fees related to enforcing this section.

SECTION 3. Effective date: upon passage or on the 91st day after the last day of the legislative session.