

By: Shaheen

H.B. No. 381

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the regulation of certain facilities of political
3 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. Sections 250.001, 250.002, 250.003, 250.004,
11 250.005, 250.006, 250.007, and 250.008, Local Government Code, are
12 designated as Subchapter A, Chapter 250, Local Government Code, and
13 a heading is added to Subchapter A to read as follows:

14 SUBCHAPTER A. GENERAL PROVISIONS

15 SECTION 3. Chapter 250, Local Government Code, is amended
16 by adding Subchapter B to read as follows:

17 SUBCHAPTER B. REGULATION OF CERTAIN FACILITIES

18 Sec. 250.051. DESIGNATION AND USE OF RESTROOMS, SHOWERS,
19 AND CHANGING FACILITIES. (a) In this subchapter, "sex" means the
20 physical condition of being male or female.

21 (b) Each multiple-occupancy restroom, shower, and changing
22 facility of a political subdivision, including a public school
23 district, or an open-enrollment charter school shall be designated
24 for and used only by persons of the same sex.

1 (c) A private entity that leases or contracts to use a
2 building owned or leased by a political subdivision, including a
3 public school district, or an open-enrollment charter school is not
4 subject to Subsection (b). A political subdivision, including a
5 public school district, or an open-enrollment charter school may
6 not require the private entity to adopt, or prohibit the private
7 entity from adopting, a policy on the designation or use of
8 restrooms, showers, or changing facilities located in the building.

9 Sec. 250.052. CERTAIN POLICIES PROHIBITED. A political
10 subdivision, including a public school district, or an
11 open-enrollment charter school may not adopt or enforce an order,
12 ordinance, policy, or other measure that:

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

15 (2) requires a private entity to adopt, or prohibits
16 the entity from adopting, a policy on the designation or use of the
17 entity's restrooms, showers, or changing facilities.

18 Sec. 250.053. EXCEPTIONS. This subchapter does not
19 preclude a political subdivision, including a public school
20 district, or an open-enrollment charter school from adopting an
21 ordinance, order, policy, or other measure regarding the use of a
22 multiple-occupancy restroom, shower, or changing facility by a
23 person not of the designated sex to:

24 (1) assist in the restroom, shower, or changing
25 facility:

26 (A) a person with a disability;

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

1 (C) an elderly person;

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

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

6 (4) maintain the restroom, shower, or changing
7 facility when the restroom, shower, or changing facility is not in
8 use.

9 Sec. 250.054. ENFORCEMENT. (a) This subchapter may be
10 enforced only through an action for mandamus or injunctive relief
11 instituted by:

12 (1) the attorney general against a political
13 subdivision, including a public school district, or
14 open-enrollment charter school that is violating this subchapter;
15 or

16 (2) a parent or legal guardian of a child enrolled in a
17 public school district or open-enrollment charter school that is
18 violating this subchapter against that public school district or
19 open-enrollment charter school.

20 (b) The attorney general or parent or legal guardian may
21 recover costs and attorney's fees related to enforcing this
22 subchapter.

23 (c) Governmental immunity of a political subdivision to
24 suit is waived and abolished to the extent of liability created
25 under this section.

26 SECTION 4. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect on the 91st day after the last day of the
4 legislative session.