

## **BILL ANALYSIS**

Senate Research Center  
88R8510 JTZ-D

S.B. 1031  
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Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Government funded studies on minors' sexual behaviors are being conducted without parental consent. In 2017, Columbia University tested the MyPEEPS mobile app with young men aged 13-18 in New York, NY; Chicago, IL; Seattle, WA; and Birmingham, AL and paid participants up to \$275. The study had 764 participants and was completed in June 2021.

Researchers asked children as young as 13 about their sex partners, frequency and type of sexual activity, and about their use of STD prevention methods. This was done without parents' knowledge. In fact, the researchers specifically stated that parents knowing about their youth's activity would hamper their research efforts.

These efforts were continued through June 2021, with different versions of the MyPEEPS app. Enrollment was promoted on social media platforms such as TikTok, Facebook, and Instagram.

This bill would prohibit any survey or study of minors' sexual behaviors or activities from taking place in public schools, regardless of the entity conducting the research.

S.B. 1031 would prohibit public universities in Texas from conducting research on sexual practices of children, and in all other instances, would require written parental consent for any sex study on a minor.

S.B. 1031 creates a civil and criminal penalty and requires mandatory reporting of any allegations of abuse or neglect to the Department of Family and Protective Services.

As proposed, S.B. 1031 amends current law relating to studies or surveys on children's sexual behavior conducted at or by a public primary or secondary school, a public institution of higher education, a prescription drug manufacturer, a research entity, or another person, creates criminal offenses, and imposes civil penalties.

### **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 Subchapter A, Chapter 38, Education Code, by adding Section 38.0043, as follows:

Sec. 38.0043. PROHIBITION ON STUDY OR SURVEY OF CHILD SEXUAL BEHAVIOR; OFFENSE; CIVIL PENALTY. (a) Prohibits a school district from conducting or permitting a third party to conduct a study or survey on a child's sexual behavior.

(b) Provides that a person commits an offense if the person violates Subsection (a). Provides that an offense under this subsection is a state jail felony.

(c) Provides that a person who violates Subsection (a), in addition to the criminal penalty under Subsection (b), is liable to the state for a civil penalty in an amount not less than \$1,000 or more than \$5,000 for each child unlawfully included in the study or survey. Authorizes the attorney general to investigate an alleged violation of Subsection (a) and to sue to collect the civil penalty described by this subsection.

SECTION 2. Amends Subchapter Z, Chapter 51, Education Code, by adding Section 51.9762, as follows:

**Sec. 51.9762. PROHIBITION ON STUDY OR SURVEY OF CHILD SEXUAL BEHAVIOR; OFFENSE; CIVIL PENALTY.** (a) Defines "institution of higher education."

(b) Prohibits an institution of higher education from conducting a study or survey on a child's sexual behavior.

(c) Provides that a person commits an offense if the person violates Subsection (b). Provides that an offense under this subsection is a state jail felony.

(d) Provides that a person who violates Subsection (b), in addition to the criminal penalty under Subsection (c), is liable to the state for a civil penalty in an amount not less than \$1,000 or more than \$5,000 for each violation. Authorizes the attorney general to investigate an alleged violation of Subsection (b) and to sue to collect the civil penalty described by this subsection.

SECTION 3. Amends Chapter 161, Health and Safety Code, by adding Subchapter X, as follows:

#### **SUBCHAPTER X. STUDIES AND SURVEYS OF CHILD SEXUAL BEHAVIOR**

**Sec. 161.701. RESTRICTIONS ON STUDIES AND SURVEYS OF CHILD SEXUAL BEHAVIOR; OFFENSE; CIVIL PENALTY.** (a) Prohibits a person, including a prescription drug manufacturer or research entity, from conducting a study or survey on a child's sexual behavior unless the parent of the child or person standing in parental relation to the child provides written consent for the child's inclusion in the study or survey. Provides that this subsection does not authorize the conduct of a study or survey prohibited under other law, including Sections 38.0043 and 51.9762, Education Code.

(b) Requires that information disclosed as part of a study or survey described by Subsection (a) indicating that a child has been abused or neglected, as those terms are defined by Section 261.001 (Definitions), Family Code, be reported in accordance with Subchapter B (Report of Abuse or Neglect; Immunities), Chapter 261, Family Code.

(c) Provides that a person commits an offense if the person violates Subsection (a). Provides that an offense under this subsection is a state jail felony.

(d) Provides that a person who violates Subsection (a), in addition to the criminal penalty under Subsection (c), is liable to the state for a civil penalty in an amount not less than \$1,000 or more than \$5,000 for each child unlawfully included in the study or survey. Authorizes the attorney general to investigate an alleged violation of Subsection (a) and to sue to collect the civil penalty described by this subsection.

SECTION 4. Effective date: September 1, 2023.