

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1031
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Health & Human Services
4/13/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Government funded studies on minors' sexual behaviors are being conducted without parental consent. In 2017, Columbia University began testing 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 continued through multiple phases by using social media platforms such as TikTok, Facebook, and Instagram.

As a part of the study, researchers asked children as young as 13 about their sex partners, frequency and type of sexual activity, and their use of STD prevention methods. There is some indication that this was done without parental knowledge. The lack of parental consent and the obtrusiveness of the questions being asked is concerning.

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

Any study or survey on a minor's sexual behavior by an institution of higher education or other entity would require consent by a parent or individual standing in parental relation to the child.

Further, this bill would create a civil and criminal penalty and require mandatory reporting of any allegations of abuse or neglect to the Department of Family and Protective Services.

C.S.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 or by a public or private institution of higher education 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. RESTRICTION ON STUDY OR SURVEY OF CHILD SEXUAL BEHAVIOR; OFFENSE; CIVIL PENALTY. (a) Defines "institution of higher education."

(b) Prohibits an institution of higher education or a private institution of higher education 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 Section 38.0043.

(c) Requires that information disclosed as part of a study or survey described by Subsection (b) 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.

(d) 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.

(e) Provides that a person who violates Subsection (b), in addition to the criminal penalty under Subsection (d), 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 (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. RESTRICTION ON STUDY OR SURVEY OF CHILD SEXUAL BEHAVIOR; OFFENSE; CIVIL PENALTY. (a) Prohibits a person 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, Family Code, be reported in accordance with Subchapter B, 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.