

By: Hall

S.B. No. 1031

A BILL TO BE ENTITLED

AN ACT

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; creating criminal offenses; imposing civil penalties.

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

SECTION 1. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.0043 to read as follows:

Sec. 38.0043. PROHIBITION ON STUDY OR SURVEY OF CHILD SEXUAL BEHAVIOR; OFFENSE; CIVIL PENALTY. (a) A school district may not conduct or permit a third party to conduct a study or survey on a child's sexual behavior.

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

(c) In addition to the criminal penalty under Subsection (b), a person who violates Subsection (a) 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. The attorney general may investigate an alleged violation of Subsection (a) and may sue to collect the civil penalty described by this subsection.

SECTION 2. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9762 to read as follows:

1       Sec. 51.9762. RESTRICTION ON STUDY OR SURVEY OF CHILD  
2 SEXUAL BEHAVIOR; OFFENSE; CIVIL PENALTY. (a) In this section,  
3 "institution of higher education" has the meaning assigned by  
4 Section 61.003.

5       (b) An institution of higher education or a private  
6 institution of higher education may not conduct a study or survey on  
7 a child's sexual behavior unless the parent of the child or person  
8 standing in parental relation to the child provides written  
9 informed consent for the child's inclusion in the study or survey.  
10 This subsection does not authorize the conduct of a study or survey  
11 prohibited under other law, including Section 38.0043.

12       (c) Information disclosed as part of a study or survey  
13 described by Subsection (b) indicating that a child has been abused  
14 or neglected, as those terms are defined by Section 261.001, Family  
15 Code, must be reported in accordance with Subchapter B, Chapter  
16 261, Family Code.

17       (d) A person commits an offense if the person violates  
18 Subsection (b). An offense under this subsection is a state jail  
19 felony.

20       (e) In addition to the criminal penalty under Subsection  
21 (d), a person who violates Subsection (b) is liable to the state for  
22 a civil penalty in an amount not less than \$1,000 or more than  
23 \$5,000 for each child unlawfully included in the study or survey.  
24 The attorney general may investigate an alleged violation of  
25 Subsection (b) and may sue to collect the civil penalty described by  
26 this subsection.

27       (f) An institution of higher education or a private or

independent institution of higher education that conducts a study or survey described by Subsection (b) shall provide to each parent of or person standing in parental relation to a child who provides consent for the child's inclusion in the study or survey:

(1) a copy of the survey or study materials given to the child; and

(2) an opportunity to oversee the child's participation in the study or survey.

SECTION 3. Chapter [161](#), Health and Safety Code, is amended by adding Subchapter X to read 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) A person may not conduct 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 informed consent for the child's inclusion in the study or survey. 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) 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, must be reported in accordance with Subchapter [B](#), Chapter [261](#), Family Code.

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

1       (d) In addition to the criminal penalty under Subsection  
2 (c), a person who violates Subsection (a) is liable to the state for  
3 a civil penalty in an amount not less than \$1,000 or more than  
4 \$5,000 for each child unlawfully included in the study or survey.  
5 The attorney general may investigate an alleged violation of  
6 Subsection (a) and may sue to collect the civil penalty described by  
7 this subsection.

8       (e) A person who conducts a study or survey described by  
9 Subsection (a) shall provide to each parent of or person standing in  
10 parental relation to a child who provides consent for the child's  
11 inclusion in the study or survey:

12               (1) a copy of the survey or study materials given to  
13 the child; and

14               (2) an opportunity to oversee the child's  
15 participation in the study or survey.

16       SECTION 4. This Act takes effect September 1, 2023.