

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, a public institution of higher education, a prescription drug manufacturer, a research entity, 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

1 amended by adding Section 51.9762 to read as follows:

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

6 (b) An institution of higher education may not conduct a
7 study or survey on a child's sexual behavior.

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

11 (d) In addition to the criminal penalty under Subsection
12 (c), a person who violates Subsection (b) is liable to the state for
13 a civil penalty in an amount not less than \$1,000 or more than
14 \$5,000 for each violation. The attorney general may investigate an
15 alleged violation of Subsection (b) and may sue to collect the civil
16 penalty described by this subsection.

17 SECTION 3. Chapter 161, Health and Safety Code, is amended
18 by adding Subchapter X to read as follows:

19 SUBCHAPTER X. STUDIES AND SURVEYS OF CHILD SEXUAL BEHAVIOR

20 Sec. 161.701. RESTRICTIONS ON STUDIES AND SURVEYS OF CHILD
21 SEXUAL BEHAVIOR; OFFENSE; CIVIL PENALTY. (a) A person, including a
22 prescription drug manufacturer or research entity, may not conduct
23 a study or survey on a child's sexual behavior unless the parent of
24 the child or person standing in parental relation to the child
25 provides written consent for the child's inclusion in the study or
26 survey. This subsection does not authorize the conduct of a study or
27 survey prohibited under other law, including Sections 38.0043 and

1 51.9762, Education Code.

2 (b) Information disclosed as part of a study or survey
3 described by Subsection (a) indicating that a child has been abused
4 or neglected, as those terms are defined by Section 261.001, Family
5 Code, must be reported in accordance with Subchapter B, Chapter
6 261, Family Code.

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

10 (d) In addition to the criminal penalty under Subsection
11 (c), a person who violates Subsection (a) is liable to the state for
12 a civil penalty in an amount not less than \$1,000 or more than
13 \$5,000 for each child unlawfully included in the study or survey.
14 The attorney general may investigate an alleged violation of
15 Subsection (a) and may sue to collect the civil penalty described by
16 this subsection.

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