

By: Hall

S. B. No. 1031

A BILL TO BE ENTITLED

# 1 AN ACT

2 relating to studies or surveys on children's sexual behavior  
3 conducted at or by a public primary or secondary school, a public  
4 institution of higher education, a prescription drug manufacturer,  
5 a research entity, or another person; creating criminal offenses;  
6 imposing civil penalties.

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

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

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

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

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

24 SECTION 2. Subchapter 2, 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.