

BILL ANALYSIS

Senate Research Center
89R12402 MLH-D

S.B. 2713
By: Middleton
State Affairs
4/22/2025
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In recent years, professional and trade associations—especially in regulated industries such as real estate, healthcare, and finance—have faced growing scrutiny for disciplinary actions taken against members based not on professional conduct, but on their personal views expressed in public forums. In particular, several Texans have reported being denied access to essential membership benefits—such as real estate multiple listing services—or removed from association rosters altogether, solely for expressing constitutionally protected political or social opinions online.

These actions have raised serious concerns about ideological gatekeeping in professional spaces. When access to the tools required to earn a living—whether digital platforms, certifications, or professional networks—is conditioned on a person's viewpoint, the result is not only unfair, but potentially unlawful under fundamental free speech protections.

S.B. 2713 addresses this growing problem by prohibiting trade and professional associations from denying access, membership, or participation to individuals based on immutable characteristics or the lawful exercise of their First Amendment rights. This bill explicitly disallows organizations from hiding behind internal bylaws or codes of conduct to justify viewpoint-based exclusion.

The purpose of this legislation is simple: to reaffirm that professional advancement in Texas should be based on merit and conduct—not on ideological conformity.

As proposed, S.B. 2713 amends current law relating to preventing discrimination in membership in a professional or trade association or organization.

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 Subtitle C, Title 5, Business & Commerce Code, by adding Chapter 121, as follows:

CHAPTER 121. DISCRIMINATION BY PROFESSIONAL OR TRADE ASSOCIATION OR ORGANIZATION PROHIBITED

Sec. 121.001. DENIAL OF MEMBERSHIP OR SERVICES. Prohibits a professional or trade association or organization from denying a person access to or membership or participation in the association or organization because of race, color, religion, sex, disability, familial status, or national origin or because of the person's exercise of the person's freedom of speech or assembly, notwithstanding any provision of the association's or organization's bylaws.

Sec. 121.002. PRIVATE CAUSE OF ACTION. (a) Authorizes a person aggrieved by a violation of Section 121.001 to bring an action against the professional or trade association or organization for injunctive relief or damages.

(b) Authorizes the court to award court costs and reasonable attorney's fees to the prevailing party in an action brought under this section.

SECTION 2. Effective date: September 1, 2025.