

By: Leo Wilson

H.B. No. 436

A BILL TO BE ENTITLED

AN ACT

relating to the requirement by certain governmental entities for diversity, equity, and inclusion statements and training from employees, prospective employees, and contractors.

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

SECTION 1. Subtitle A, Title 6, Government Code, is amended by adding Chapter 621 to read as follows:

CHAPTER 621. PROHIBITION ON CERTAIN STATEMENTS OR TRAINING  
CONCERNING DIVERSITY, EQUITY, AND INCLUSION

Sec. 621.001. DEFINITION. In this chapter, "governmental entity" means:

(1) a department, commission, board, office, or other agency that is in the executive branch of state government and that was created by the constitution or a statute, other than an institution of higher education as defined by Section 61.003, Education Code;

(2) the legislature or a legislative agency;

(3) the supreme court, the court of criminal appeals, a court of appeals, a district court, or the Texas Judicial Council or another agency in the judicial branch of state government;

(4) a county, municipality, special purpose district, including a school district, or any other political subdivision of this state; or

(5) an open-enrollment charter school established

1 under Subchapter D, Chapter 12, Education Code.

2 Sec. 621.002. RESPONSIBILITY OF GOVERNMENTAL ENTITY  
3 REGARDING STATEMENTS OR TRAINING CONCERNING DIVERSITY, EQUITY, AND  
4 INCLUSION. (a) A governmental entity shall ensure that each unit  
5 of the entity:

6 (1) does not, except as required by federal law:

7 (A) compel, require, induce, or solicit any  
8 employee or applicant for employment to provide a diversity,  
9 equity, and inclusion statement or give preferential consideration  
10 to any employee or applicant for employment based on the provision  
11 of a diversity, equity, and inclusion statement; or

12 (B) require as a condition of hiring or continued  
13 employment any employee or applicant for employment to participate  
14 in diversity, equity, and inclusion training, which:

15 (i) includes a training, program, or  
16 activity designed or implemented in reference to race, color,  
17 ethnicity, gender identity, or sexual orientation; and

18 (ii) does not include a training, program,  
19 or activity developed for the purpose of ensuring compliance with  
20 any applicable federal law; and

21 (2) adopts policies and procedures for appropriately  
22 disciplining, including by termination, an employee of the entity  
23 who engages in conduct in violation of Subdivision (1).

24 (b) Subsection (a)(1) may not be construed to apply to:

25 (1) academic course instruction;

26 (2) scholarly research or a creative work by a school  
27 district's or open-enrollment charter school's students or faculty;

1           (3) an activity of a student organization registered  
2 with or recognized by a school district or open-enrollment charter  
3 school;

4           (4) guest speakers or performers on short-term  
5 engagements;

6           (5) a program or activity to enhance student academic  
7 achievement or postgraduate outcomes that allows participation  
8 without regard to race, sex, color, or ethnicity; or

9           (6) data collection.

10          (c) An employee of or applicant for employment with a  
11 governmental entity who is required to participate in training in  
12 violation of Subsection (a)(1)(B) may bring an action against the  
13 entity for injunctive and declaratory relief.

14          SECTION 2. Subchapter [Z](#), Chapter [2252](#), Government Code, is  
15 amended by adding Section 2252.911 to read as follows:

16          Sec. 2252.911. PROHIBITED CONSIDERATION OF CERTAIN  
17 DIVERSITY, EQUITY, AND INCLUSION CRITERIA. (a) In this section,  
18 "governmental entity" has the meaning assigned by Section [2252.001](#),  
19 except that the term does not include an institution of higher  
20 education as defined by Section [61.003](#), Education Code.

21          (b) Notwithstanding any other law, a governmental entity  
22 may not require as a condition for bidding on a contract, consider  
23 in awarding a contract, or include as a requirement in a contract,  
24 that a person:

25           (1) provide a diversity, equity, and inclusion  
26 statement; or

27           (2) participate in diversity, equity, and inclusion

1 training, which:

2 (A) includes a training, program, or activity  
3 designed or implemented in reference to race, color, ethnicity,  
4 gender identity, or sexual orientation; and

5 (B) does not include a training, program, or  
6 activity developed for the purpose of ensuring compliance with any  
7 applicable federal law.

8 (c) Subsection (b) may not be construed to apply to data  
9 collection.

10 (d) A person who is not awarded a contract or has a contract  
11 terminated with a governmental entity on the basis of a diversity,  
12 equity, and inclusion statement or training prohibited by  
13 Subsection (b) may bring an action against the entity for  
14 injunctive and declaratory relief.

15 SECTION 3. Section 2252.911, Government Code, as added by  
16 this Act, applies only to a contract for which the request for bids  
17 or proposals or other applicable expression of interest is made  
18 public on or after the effective date of this Act. A contract for  
19 which the request for bids or proposals or other applicable  
20 expression of interest is made public before the effective date of  
21 this Act is governed by the law in effect on the date the request or  
22 other expression of interest is made public, and the former law is  
23 continued in effect for that purpose.

24 SECTION 4. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2025.