

By: Schoolcraft

H.B. No. 1280

A BILL TO BE ENTITLED

AN ACT

1
2 relating to prohibiting governmental discriminatory practices as
3 well as submissions and trainings that could lead to discriminatory
4 treatment of individuals because of personal identity
5 characteristics including an individual's race, color, ethnicity,
6 sex, national origin or religion and the establishment of remedies
7 and penalties for discriminatory treatment.

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

9 ARTICLE 1. SHORT TITLE

10 SECTION 1. This Act may be cited as the Texas Government
11 Anti-discrimination act of 2025.

12 SECTION 2. - TEXAS GOVERNMENT CODE Texas Government Code,
13 Title 1, is amended by adding Chapter 3 to read as follows:

14 CHAPTER 3. PROHIBITED DISCRIMINATORY PRACTICES

15 Sec. 3.001. PURPOSE

16 (1) The purpose of this chapter is to establish the
17 government of the State of Texas as a meritocracy in which all
18 employees receive equal opportunities based on their abilities and
19 efforts without regard to their race, color, ethnicity, sex,
20 national origin or religion.

21 Sec 3.002 DEFINITIONS. In this chapter:

22 (1) "Personal identity characteristics" means an
23 individual's race, color, ethnicity, sex, national origin, or
24 religion.

1 (2) "Prohibited discriminatory practice" means
2 engaging in or maintaining a policy, procedure, practice, program,
3 office, initiative, or required training that, based on an
4 individual's personal identity characteristics:

5 (a) promotes the differential treatment of an
6 individual;

7 (b) influences the employment decisions of an
8 individual other than through the use of neutral hiring processes
9 with regard to personal identity characteristics and in accordance
10 with federal law;

11 (c) influences an individual's admission to,
12 advancement in, or graduation from an institution, the public
13 education system, or an academic program; or

14 (d) influences an individual's participation in
15 an institution-sponsored or public education system-sponsored
16 program.

17 (3) "Prohibited discriminatory practice" also means
18 engaging in or maintaining a policy, procedure, practice, program,
19 office, initiative, or required training that:

20 (a) asserts that one personal identity
21 characteristic is inherently superior or inferior to another
22 personal identity characteristic;

23 (b) asserts that an individual, by virtue of the
24 individual's personal identity characteristics, is inherently
25 privileged, oppressed, racist, sexist, oppressive, or a victim,
26 whether consciously or unconsciously;

27 (c) asserts that an individual should be

1 discriminated against in violation of Title VI, Title VII, and
2 Title IX, receive adverse treatment, be advanced, or receive
3 beneficial treatment because of the individual's personal identity
4 characteristics;

5 (d) asserts that an individual's moral character
6 is determined by the individual's personal identity
7 characteristics;

8 (e) asserts that an individual, by virtue of the
9 individual's personal identity characteristics, bears
10 responsibility for actions committed in the past by other
11 individuals with the same personal identity characteristics;

12 (f) asserts that an individual should feel
13 discomfort, guilt, anguish, or other psychological distress solely
14 because of the individual's personal identity characteristics;

15 (g) asserts that meritocracy is inherently
16 racist or sexist;

17 (h) asserts that socio-political structures are
18 inherently a series of power relationships and struggles among
19 racial groups;

20 (i) promotes resentment between, or resentment
21 of, individuals by virtue of their personal identity
22 characteristics;

23 (j) ascribes values, morals, or ethical codes,
24 privileges, or beliefs to an individual because of the individual's
25 personal identity characteristics;

26 (k) considers an individual's personal identity
27 characteristics in determining receipt of state financial aid or

1 other state financial assistance, including a scholarship award or
2 tuition waiver.

3 (4) "Prohibited discriminatory practice" does not
4 include actions, policies or procedures that:

5 (a) Are required by state or federal law,
6 including laws relating to prohibited discrimination or
7 harassment; or

8 (b) Relate to athletic competition or athletic
9 safety; or

10 (c) Relate to personal privacy and accommodate
11 for differences between the two biological sexes.

12 (d) Relate to a dress code which is otherwise
13 permissible by law.

14 (e) Prevent disruptive behavior.

15 (5) "Prohibited submission" means a submission,
16 statement, or document that requires an individual to articulate
17 the individual's position, view, contribution, effort, or
18 experience regarding a policy, program, or initiative that promotes
19 differential treatment based on an individual's personal identity
20 characteristics, as that term is defined herein.

21 (6) "Prohibited submission" includes a submission,
22 statement, or document that relates to a policy, program, or
23 initiative regarding:

24 (a) anti-racism;

25 (b) bias;

26 (c) critical race theory;

27 (d) implicit bias;

1 (e) intersectionality;

2 (f) prohibited discriminatory practice, as that
3 term is defined herein;

4 (g) racial privilege.

5 (7) "Prohibited submission" does not include a
6 submission, statement, or document for an employment position if
7 the submission, statement, or document relates to a bona fide
8 occupational qualification for the position.

9 (8) "Prohibited training" means a mandatory
10 instructional program and related materials that require
11 employees, prospective employees, students, or prospective
12 students, to attend that promote prohibited discriminatory
13 practices as that term is defined herein.

14 (9) "Prohibited training" includes an in-person or
15 online seminar, discussion group, workshop, other program, or
16 related materials.

17 (10) In this chapter, references to an individual
18 include groups of individuals.

19 (11) "Governmental employer" means any department,
20 division, agency, commission, board, council, committee,
21 authority, municipality, county, political subdivision, school
22 district, institution of higher education or any other institution
23 of the state as well as all individuals employed by or acting on
24 behalf of such employers.

25 Sec 3.003. PROHIBITED DISCRIMINATORY PRACTICES:

26 (1) A governmental employer may not:

27 (a) engage in prohibited discriminatory

1 practices;

2 (b) establish or maintain an office, division,
3 employment position, or other unit of an institution established to
4 implement, develop, plan, or promote campus policies, procedures,
5 practices, programs, or initiatives, regarding prohibited
6 discriminatory practices; or

7 (c) employ or assign an employee or a third-party
8 whose duties for an institution include coordinating, creating,
9 developing, designing, implementing, organizing, planning, or
10 promoting policies, programming, training, practices, activities,
11 and procedures relating to prohibited discriminatory practices.

12 Sec 3.004. PROHIBITED SUBMISSIONS

13 (1) A governmental employer may not require, request,
14 solicit, or compel a prohibited submission as a certification or
15 condition before taking action with respect to:

16 (a) employment, including decisions regarding:

17 (i) hiring;

18 (ii) terms of employment;

19 (iii) benefits;

20 (iv) compensation;

21 (v) seniority status;

22 (vi) tenure or continuing status;

23 (vii) promotion;

24 (viii) performance reviews;

25 (ix) transfer;

26 (x) termination; or

27 (xi) appointment; or

1 (b) admissions and aid, including:

2 (i) admission to any state program or
3 course;

4 (ii) financial or other forms of
5 state-administered aid or assistance; or

6 (iii) other benefits from the governmental
7 employer for which an individual is eligible.

8 (3) A governmental employer may not grant any form of
9 preferential consideration to an individual who, with or without
10 solicitation from the governmental employer, provides a prohibited
11 submission for any action described in Subsection (2).

12 (4) If federal law requires a governmental employer to
13 accept or require a prohibited submission, the governmental
14 employer:

15 (a) may accept the prohibited submission only to
16 the extent required under federal law; and

17 (b) shall limit consideration of the information
18 contained in the prohibited submission to the extent necessary to
19 satisfy the requirement under federal law.

20 (4) Nothing in this section limits or prohibits a
21 governmental employer's authority to establish policies that are
22 necessary to comply with state or federal law, including laws
23 relating to prohibited discrimination or harassment.

24 Sec 3.005. PROHIBITED TRAINING

25 (1) A governmental employer may not require prohibited
26 training.

27 Sec. 3.006. MANDAMUS; INJUNCTION.

1 (1) On or after January 1, 2026, a person may bring an
2 action by mandamus or injunction to stop, prevent, or reverse a
3 violation or threatened violation of this chapter by a governmental
4 employer.

5 (2) The court may assess costs of litigation and
6 reasonable attorney fees incurred by a plaintiff or defendant who
7 substantially prevails in an action under Subsection (a). In
8 exercising its discretion, the court shall consider whether the
9 action was brought in good faith and whether the conduct of the
10 governmental employer had a reasonable basis in law.

11 (3) The attorney general may bring an action by
12 mandamus or injunction to stop, prevent, or reverse a violation or
13 threatened violation of this chapter by a governmental employer.

14 (4) A suit filed by the attorney general must be filed
15 in a district court of Travis County or of the county in which the
16 governmental employer is located.

17 Sec. 3.007. PROHIBITED DISCRIMINATORY PRACTICE; PROHIBITED
18 SUBMISSION; PROHIBITED TRAINING; OFFENSE; PENALTY.

19 (1) On or after January 1, 2026, a person commits an
20 offense if the person, on behalf of a governmental employer,

21 (a) knowingly engages in, promotes or
22 facilitates a discriminatory practice; or

23 (b) knowingly requests or requires a person to
24 produce or provide a prohibited submission; or knowingly conducts,
25 promotes or facilitates a prohibited training.

26 (2) An offense under Subsection (a) is a misdemeanor
27 punishable by:

1 (a) a fine of not less than \$1,000 or more than
2 \$5,000;

3 (b) confinement in the county jail for not less
4 than one month or more than six months; or

5 (c) both the fine and confinement.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2025.