

By: Shofner

H.B. No. 2704

A BILL TO BE ENTITLED

1 AN ACT

2 relating to general definitions regarding biological sex and the  
3 designation and use of certain spaces according to biological sex;  
4 authorizing a civil right of action.

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

6 SECTION 1. This Act may be cited as the Definition and  
7 Protection of a Woman Act.

8 SECTION 2. The purposes of this Act are to:

9 (1) clarify and reconcile the meanings in state  
10 statutory law of sex, male, female, and related terms; and

11 (2) provide protections for women and girls against  
12 sexual assault, harassment, violence, and acts of abuse committed  
13 by men in restrooms, changing rooms, and sleeping quarters  
14 designated for women.

15 SECTION 3. The legislature finds that:

16 (1) in *United States v. Virginia*, 518 U.S. 515 (1996),  
17 citing *Ballard v. United States*, 329 U.S. 187, 193 (1946), the court  
18 recognized:

19 (A) "[p]hysical differences between men and  
20 women, however, are enduring: '[T]he two sexes are not fungible; a  
21 community made up exclusively of one [sex] is different from a  
22 community composed of both'; and

23 (B) "'[i]nherent differences' between men and  
24 women . . . remain cause for celebration, but not for denigration

1 of the members of either sex or for artificial constraints on an  
2 individual's opportunity";

3 (2) the Equal Protection Clause of the Fourteenth  
4 Amendment to the United States Constitution allows the legislature  
5 to enact facially neutral laws of general applicability;

6 (3) biologically based definitions of sex have been  
7 consistently applied since our nation's founding;

8 (4) decades of United States Supreme Court opinions  
9 have upheld the argument that biological distinctions between male  
10 and female are a matter of scientific fact, and biological sex is an  
11 objectively defined category that has obvious, immutable, and  
12 distinguishable characteristics; and

13 (5) policies and laws that distinguish between the  
14 sexes are subject to intermediate constitutional scrutiny, which  
15 forbids unfair discrimination against similarly situated males and  
16 females but allows the law to distinguish between the sexes where  
17 such distinctions are substantially related to an important  
18 government interest.

19 SECTION 4. Section [311.005](#), Government Code, is amended by  
20 adding Subdivisions (14), (15), (16), (17), (18), (19), and (20) to  
21 read as follows:

22 (14) "Boy" means a child of the male sex.

23 (15) "Father" means a parent of the male sex.

24 (16) "Female" and "woman" mean an individual who has,  
25 or would have but for a developmental or genetic anomaly or  
26 accident, a reproductive system designed to produce, transport, and  
27 provide eggs for fertilization.

1           (17) "Girl" means a child of the female sex.

2           (18) "Male" and "man" mean an individual who has, or  
3 would have but for a developmental or genetic anomaly or accident, a  
4 reproductive system designed to produce, transport, and provide  
5 sperm for fertilization.

6           (19) "Mother" means a parent of the female sex.

7           (20) "Sex" means an individual's biological sex,  
8 either male or female, as observed or clinically verified at birth.

9           SECTION 5. Subtitle Z, Title 10, Government Code, is  
10 amended by adding Chapter 3001 to read as follows:

11       CHAPTER 3001. GOVERNMENT ACTION REGARDING CERTAIN PRIVATE SPACES

12           Sec. 3001.001. DEFINITIONS. In this chapter:

13           (1) "Changing room" means a room or area in which an  
14 individual may be in a state of undress in the presence of another  
15 individual. The term includes a locker room or shower room.

16           (2) "Correctional facility" means a facility  
17 designated by law for the confinement of an individual arrested  
18 for, charged with, or convicted of a criminal offense. The term  
19 includes:

20                   (A) a confinement facility operated by the Texas  
21 Department of Criminal Justice; and

22                   (B) a confinement facility operated under  
23 contract with any division of the Texas Department of Criminal  
24 Justice.

25           (3) "Covered facility" means a correctional facility,  
26 family violence center, homeless shelter, juvenile detention  
27 center, and public school.

1           (4) "Family violence center" means a family violence  
2 nonresidential center or a family violence shelter center, as those  
3 terms are defined by Section 51.002, Human Resources Code, that has  
4 contracted with the Health and Human Services Commission under  
5 Section 51.003, Human Resources Code.

6           (5) "Homeless shelter" means a supervised publicly  
7 operated shelter or other facility that is designed to provide  
8 temporary living accommodations to homeless individuals.

9           (6) "Juvenile detention center" means a nonsecure  
10 correctional facility, secure correctional facility, or secure  
11 detention facility, as those terms are defined by Section 51.02,  
12 Family Code.

13           (7) "Multi-occupancy private space" means a changing  
14 room, a restroom, or sleeping quarters designed or designated for  
15 the simultaneous use of more than one individual.

16           (8) "Political subdivision" means a governmental  
17 entity of this state, including a county, municipality, special  
18 purpose district or authority, and junior college district.

19           (9) "Public school" has the meaning assigned Section  
20 61.9811, Education Code.

21           (10) "Restroom" means a room designed for use of a  
22 toilet or urinal by one or more individuals.

23           (11) "Single-occupancy private space" means a  
24 changing room, a restroom, or sleeping quarters designed or  
25 designated for use by only one individual.

26           (12) "Sleeping quarters" means a room that contains a  
27 bed and is designed as a space for more than one individual to

1 regularly sleep overnight.

2 (13) "State agency" means a department, commission,  
3 board, office, council, authority, or other agency in the  
4 executive, legislative, or judicial branch of state government that  
5 is created by the constitution or a statute of this state.

6 Sec. 3001.002. REQUIRED DESIGNATION OF MULTI-OCCUPANCY  
7 PRIVATE SPACES. (a) The owner or operator of a covered facility  
8 shall designate each multi-occupancy private space in the facility  
9 for the exclusive use of either females or males.

10 (b) A multi-occupancy private space designated under  
11 Subsection (a) for the exclusive use of either females or males may  
12 only be used by an individual of the designated sex.

13 (c) The owner or operator of a covered facility shall take  
14 reasonable steps to ensure an individual using a multi-occupancy  
15 private space designated under Subsection (a) for the exclusive use  
16 of either females or males is not observed or disturbed by an  
17 individual of the opposite sex.

18 Sec. 3001.003. REQUIREMENTS APPLICABLE TO CERTAIN SPACES IN  
19 PUBLIC SCHOOLS. (a) A public school may not require a student to  
20 share sleeping quarters with an individual who is of the sex  
21 opposite to the student's sex during any school-related event  
22 unless:

23 (1) the individual is a member of the student's family,  
24 including a parent, guardian, sibling, or grandparent; and

25 (2) the school obtained approval from the student's  
26 parent or guardian for the student to share the sleeping quarters  
27 with the family member.

1       (b) A public school shall ensure that:

2           (1) a private, separate changing room or space is  
3 designated for use by individuals of the same sex in each room or  
4 space in which an individual may be in a state of undress in the  
5 presence of another individual; and

6           (2) only individuals of the designated sex enter the  
7 room or space described by Subdivision (1).

8       Sec. 3001.004. CONSTRUCTION OF CHAPTER. Sections 3001.002  
9 and 3001.003 do not prohibit the owner or operator of a covered  
10 facility from:

11           (1) adopting a policy necessary to accommodate an  
12 individual with a disability, a young child, or an elderly  
13 individual who requires assistance when using a restroom, a  
14 changing room, or sleeping quarters;

15           (2) establishing a single-occupancy private space or a  
16 family restroom, changing room, or sleeping quarters; or

17           (3) changing the designation under Section 3001.002 of  
18 a multi-occupancy private space previously designated for the  
19 exclusive use of individuals of the opposite sex.

20       Sec. 3001.005. EXCEPTIONS. A designation or requirement  
21 under Section 3001.002 or 3001.003 does not apply to an individual  
22 who enters a multi-occupancy private space or space described by  
23 Section 3001.002(a):

24           (1) for custodial or maintenance purposes;

25           (2) to render medical assistance;

26           (3) for law enforcement purposes; or

27           (4) to provide services or render assistance during a

1 natural disaster or declared emergency or as necessary to prevent a  
2 serious threat to proper order or safety.

3 Sec. 3001.006. PROHIBITED REGULATIONS. A state agency or  
4 political subdivision may not adopt or enforce a rule, policy,  
5 resolution, ordinance, or other measure that:

6 (1) prohibits any person, including the owner or  
7 operator of a covered facility, from designating a private space  
8 for the exclusive use of males or females in a location in which  
9 biology, safety, or privacy are implicated, including a location  
10 designated for use by athletes; or

11 (2) uses language to circumvent the requirements of  
12 this chapter or otherwise achieve the same or a substantially  
13 similar effect as prohibiting conduct required under this chapter.

14 Sec. 3001.007. PRIVATE CAUSE OF ACTION. A person affected  
15 by a covered facility's alleged violation of this chapter may bring  
16 a civil action to obtain appropriate:

17 (1) declaratory relief;

18 (2) injunctive relief;

19 (3) compensatory damages;

20 (4) writ of mandamus; and

21 (5) court costs, including reasonable attorney's and  
22 witness fees.

23 Sec. 3001.008. CONTRACTOR CAUSE OF ACTION. Any person who  
24 contracts with this state or a political subdivision of this state  
25 to provide services for a covered facility may bring an action for  
26 appropriate relief under Section 3001.007 against the applicable  
27 state agency or political subdivision for directing the person to

1 perform an act in violation of this chapter.

2 Sec. 3001.009. RETALIATION PROHIBITED. (a) A covered  
3 facility may not take retaliatory or other adverse action against a  
4 person for acting to enforce this chapter.

5 (b) A person who is the subject of an adverse action  
6 prohibited by Subsection (a) may bring an action against the  
7 covered facility for appropriate relief under Section 3001.007.

8 Sec. 3001.010. REBUTTABLE PRESUMPTION FOR ALLEGED  
9 VIOLATION. In an action brought against a covered facility by a  
10 person for a violation of this chapter in requiring the person to  
11 share sleeping quarters with an individual who is of the sex  
12 opposite to the person and except as allowed under Section  
13 3001.003, it is a rebuttable presumption that the covered  
14 facility's requirement of the person to share the sleeping quarters  
15 is discriminatory and caused actual harm to the person.

16 Sec. 3001.011. SOVEREIGN AND GOVERNMENTAL IMMUNITY WAIVED.  
17 Sovereign and governmental immunity to suit is waived and abolished  
18 to the extent of liability created by this chapter.

19 SECTION 6. This Act takes effect September 1, 2025.