

By: Schatzline

H.B. No. 3616

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to prohibiting social transitioning assistance to minors  
3 by employees of governmental entities, including public schools,  
4 and health care facilities; authorizing civil penalties and loss of  
5 school funding.

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

7 SECTION 1. Chapter 11, Education Code, is amended by adding  
8 Subchapter I to read as follows:

9 SUBCHAPTER I. ASSISTANCE WITH SOCIAL TRANSITIONING PROHIBITED

10 Sec. 11.401. SCHOOL DISTRICT POLICY: ASSISTANCE WITH SOCIAL  
11 TRANSITIONING PROHIBITED. (a) In this subchapter, "social  
12 transitioning" means a person's transition from the gender identity  
13 associated with the person's biological sex assigned at birth to an  
14 alternative gender identity through the adoption of a different  
15 name, different pronouns, or other expressions of gender, including  
16 clothing and hairstyles, that are:

17 (1) typically associated with the biological sex  
18 opposite of the person's biological sex assigned at birth; and

19 (2) intended to communicate the person's alternative  
20 gender identity.

21 (b) The board of trustees of a school district shall adopt a  
22 policy:

23 (1) prohibiting an employee of the district from  
24 assisting a minor who is a student enrolled in the district with

1 social transitioning, including by providing any information about  
2 social transitioning; and

3 (2) requiring an employee of the district who becomes  
4 aware that a minor who is a student enrolled in the district is  
5 socially transitioning to notify a parent, managing or possessory  
6 conservator, or legal guardian of the minor.

7 (c) The board of trustees of a school district may not adopt  
8 a confidentiality policy that conflicts with a policy adopted under  
9 Subsection (b).

10 (d) The board of trustees of a school district shall  
11 investigate any suspected violation of the policy adopted under  
12 Subsection (b) and determine whether the violation occurred. If  
13 the board determines that a district employee has assisted a minor  
14 who is a student enrolled at the district with social  
15 transitioning, the board shall immediately report the violation to  
16 the commissioner. The board may terminate a district employee for a  
17 second or subsequent violation of the policy adopted under  
18 Subsection (b).

19 (e) If the commissioner finds on an appeal under Section  
20 7.057 that a school district has violated this section, or if the  
21 board of trustees of a district notifies the commissioner about a  
22 violation of the district's policy adopted under Subsection (b),  
23 notwithstanding any other law, the commissioner shall withhold the  
24 funding to which the district is entitled under Chapters 46, 48, and  
25 49 for the school year during which the violation occurred. The  
26 commissioner may adjust the district's entitlement to funding under  
27 those chapters for subsequent school years as necessary to recover

1 any state funding already paid to the district for the school year  
2 in which the violation occurred.

3 SECTION 2. Section 12.104, Education Code, is amended by  
4 adding Subsection (b-5) to read as follows:

5 (b-5) Section 11.401 applies to an open-enrollment charter  
6 school as though the governing body of the school were the board of  
7 trustees of a school district.

8 SECTION 3. Subtitle A, Title 6, Government Code, is amended  
9 by adding Chapter 621 to read as follows:

10 CHAPTER 621. ASSISTANCE WITH SOCIAL TRANSITIONING OF MINORS BY  
11 EMPLOYEES OF GOVERNMENTAL ENTITIES PROHIBITED

12 Sec. 621.001. DEFINITIONS. In this chapter:

13 (1) "Governmental entity" means:

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

19 (B) a county, municipality, or other political  
20 subdivision of this state.

21 (2) "Minor" has the meaning assigned by Section  
22 101.003, Family Code.

23 (3) "Social transitioning" means a person's transition  
24 from the gender identity associated with the person's biological  
25 sex assigned at birth to an alternative gender identity through the  
26 adoption of a different name, different pronouns, or other  
27 expressions of gender, including clothing and hairstyles, that are:

1           (A) typically associated with the biological sex  
2 opposite of the person's biological sex assigned at birth; and

3           (B) intended to communicate the person's  
4 alternative gender identity.

5           Sec. 621.002. PROHIBITION ON ASSISTANCE; NOTIFICATION OF  
6 PARENT OR OTHER PERSON. (a) An employee of a governmental entity  
7 may not assist a minor with social transitioning, including by  
8 providing information about social transitioning.

9           (b) An employee of a governmental entity who becomes aware  
10 of a child who is socially transitioning shall notify a parent,  
11 managing or possessory conservator, or legal guardian of the child.  
12 A governmental entity may not adopt a confidentiality policy that  
13 conflicts with this subsection.

14           Sec. 621.003. FORMAL WARNING OF VIOLATION. If the attorney  
15 general determines that an employee of a governmental entity has  
16 violated or is in violation of this chapter, the attorney general  
17 shall issue a formal warning for a first violation of this chapter  
18 and include in the warning the specific violation.

19           Sec. 621.004. EMPLOYEE SUBJECT TO TERMINATION. A  
20 governmental entity may terminate the employment of an employee of  
21 the entity for a second or subsequent violation of this chapter  
22 after the employee has received a formal warning under Section  
23 621.003.

24           SECTION 4. Subtitle H, Title 4, Health and Safety Code, is  
25 amended by adding Chapter 332 to read as follows:

1 CHAPTER 332. ASSISTANCE WITH SOCIAL TRANSITIONING OF MINORS

2 PROHIBITED

3 Sec. 332.001. DEFINITIONS. In this chapter:

4 (1) "Health facility" means a facility in this state  
5 maintained or operated through the receipt of any state money for  
6 the purpose of providing health care services.

7 (2) "Minor" has the meaning assigned by Section  
8 101.003, Family Code.

9 (3) "Social transitioning" means a person's transition  
10 from the gender identity associated with the person's biological  
11 sex assigned at birth to an alternative gender identity through the  
12 adoption of a different name, different pronouns, or other  
13 expressions of gender, including clothing and hairstyles, that are:

14 (A) typically associated with the biological sex  
15 opposite of the person's biological sex assigned at birth; and

16 (B) intended to communicate the person's  
17 alternative gender identity.

18 Sec. 332.002. SOCIAL TRANSITIONING ASSISTANCE PROHIBITED.

19 An employee of a health facility may not assist a minor with social  
20 transitioning, including by providing information about social  
21 transitioning, or advise a parent on the social transitioning of a  
22 minor child of the parent.

23 Sec. 332.003. CIVIL PENALTY. (a) An employee of a health  
24 facility who violates this chapter is liable for a civil penalty of  
25 not more than \$5,000 for a first violation of this chapter.

26 (b) The attorney general may bring an action to recover a  
27 civil penalty against an employee of a health facility for a

1 violation of this chapter.

2 Sec. 332.004. ENFORCEMENT BY STATE AGENCIES; RULES. (a)

3 This section applies only to a second or subsequent violation of  
4 this chapter by an employee of a health facility.

5 (b) Notwithstanding any other law, each appropriate state  
6 agency shall ensure that employees of health facilities in this  
7 state comply with this chapter and may require compliance with this  
8 chapter as a condition of a license, certificate, registration,  
9 permit, or other authorization issued by the agency that is  
10 required for employees to practice or engage in a particular  
11 business, occupation, or profession in this state.

12 (c) Notwithstanding any other law, if a state agency that  
13 issues a license, certificate, registration, permit, or other  
14 authorization for a person to practice or engage in a particular  
15 business, occupation, or profession in this state determines that  
16 an employee of a health facility failed to comply with this chapter,  
17 the agency may suspend or revoke any license, certificate,  
18 registration, permit, or other authorization issued by the agency.

19 (d) A proceeding under Subsection (c) is subject to Chapter  
20 2001, Government Code.

21 (e) Each appropriate state agency shall adopt rules and  
22 prescribe forms as necessary to implement this section.

23 SECTION 5. Subchapter I, Chapter 11, Education Code, as  
24 added by this Act, and Section 12.104, Education Code, as amended by  
25 this Act, apply beginning with the 2025-2026 school year.

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