

By: Gerdes

H.B. No. 4552

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Antidiscrimination Act.

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

SECTION 1. This Act may be cited as the Texas Antidiscrimination Act.

SECTION 2. Subtitle A, Title 6, Government Code, is amended by adding Chapter 621 to read as follows:

CHAPTER 621. PROHIBITION ON DISCRIMINATORY INITIATIVES

Sec. 621.001. LEGISLATIVE FINDINGS; PURPOSE. (a) The legislature finds that:

(1) Section 3, Article I, Texas Constitution (Equal Protection Clause), provides that "[a]ll freemen, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive separate public emoluments, or privileges, but in consideration of public service;"

(2) Section 3a, Article I, Texas Constitution (Equal Rights Amendment), provides that "[e]quality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin;"

(3) The Texas Constitution's Equal Rights Amendment was designed expressly to provide protection which supplements the federal guarantees of equal treatment;

(4) The Texas Constitution's Equal Rights Amendment is more extensive and provides more specific protection than both the

1 United States and Texas due-process and equal-protection  
2 guarantees; and

3 (5) The discriminatory initiatives described in this  
4 chapter are antithetical to Texas Constitution's Equal Protection  
5 Clause and Equal Rights Amendment and lack a rational relationship  
6 to a legitimate governmental purpose such that the initiatives  
7 violate Texas's Equal Protection Clause and Equal Rights Amendment;  
8 and

9 (6) Texans deserve a government committed to serving  
10 every person with equal dignity and respect and to expending  
11 precious taxpayer resources only on making Texas great for all  
12 Texans.

13 (b) The purpose of this act is to prevent the unlawful  
14 discrimination that is antithetical to the Texas Constitution's  
15 Equal Protection Clause and Equal Rights Amendment. This act does  
16 not create any right or benefit, substantive or procedural,  
17 enforceable at law or in equity by any party against the  
18 governmental entities listed in Section 621.002(2), except as  
19 provided by Section 621.004.

20 Sec. 621.002. DEFINITIONS. In this chapter:

21 (1) "Discriminatory office" means an office,  
22 division, or other unit of a governmental entity established for  
23 the purpose of:

24 (A) influencing hiring or employment practices  
25 or workforce composition at the entity with respect to race, sex,  
26 color, or ethnicity, other than through the use of color-blind,  
27 race-neutral, and sex-neutral hiring processes in accordance with

any applicable state and federal antidiscrimination laws;

(B) promoting differential treatment or providing special benefits to individuals on the basis of race, sex, color, or ethnicity;

(C) promoting policies or procedures designed or implemented in reference to race, sex, color, or ethnicity, other than policies or procedures:

(i) approved in writing by the attorney general; and

(ii) implemented for the sole purpose of ensuring compliance with any applicable federal law enacted before September 1, 2025;

(D) conducting trainings, programs, or activities designed or implemented in reference to race, sex, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities:

(i) developed by an attorney;

(ii) approved in writing by the attorney general; and

(iii) conducted for the sole purpose of ensuring compliance with any applicable court order or state or federal law enacted before September 1, 2025; or

(E) promoting, as an official position of the entity, a particular opinion referencing unconscious or implicit bias, cultural appropriation, allyship, transgender ideology, microaggressions, group marginalization, anti-racism, systemic oppression, social justice, intersectionality, neo-pronouns,

heteronormativity, disparate impact, gender theory, racial or sexual privilege, or any related formulation of these concepts.

(2) "Governmental entity" means:

(A) 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;

(B) the legislature or a legislative state agency;

(C) 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;

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

(E) an open-enrollment charter school established under Subchapter D, Chapter 12, Education Code.

Sec. 621.003. RESPONSIBILITY OF GOVERNMENTAL ENTITY REGARDING DISCRIMINATORY INITIATIVES. (a) A governmental entity shall ensure that each unit of the entity does not, except as required by federal law:

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

(A) establish or maintain a discriminatory office;

(B) hire or assign an employee of the entity or

1 contract with a third party to perform the duties of a  
2 discriminatory office;

3 (C) compel, require, induce, or solicit any  
4 person to provide a discriminatory statement or give preferential  
5 consideration to any person based on the provision of a  
6 discriminatory statement;

7 (D) give preference on the basis of race, sex,  
8 color, ethnicity, or national origin to an applicant for  
9 employment, an employee, or a participant in any function of the  
10 entity; or

11 (E) require as a condition of employment any  
12 person to participate in discriminatory training, which:

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

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

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

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

24 (1) academic course instruction;

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

27 (3) an activity of a student organization registered

with or recognized by a school district or open-enrollment charter school;

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

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

(6) data collection.

Sec. 621.004. COMPLAINT; ENFORCEMENT. (a) A person who has a reasonable belief that a governmental entity is violating this chapter may file a complaint with the attorney general.

(b) If the attorney general determines that a governmental entity named in a complaint received under Subsection (a) is violating this chapter, the attorney general may file a petition for a writ of mandamus to compel the governmental entity to comply with this chapter.

(c) A mandamus action under Subsection (b) must be filed in:

(1) Travis County, if the governmental entity is an entity described by Section 621.002(2)(A)-(C); or

(2) the county in which the governmental entity is located, if the governmental entity is an entity described by Section 621.002(2)(D) or (E).

SECTION 3. Subchapter [Z](#), Chapter [2252](#), Government Code, is amended by adding Section 2252.911 to read as follows:

Sec. 2252.911. PROHIBITED CONSIDERATIONS IN CONTRACTING.

(a) In this section, "governmental entity" has the meaning assigned by Section [2252.001](#), except that the term does not include

1 an institution of higher education as defined by Section 61.003,  
2 Education Code.

3 (b) Notwithstanding any other law, a governmental entity  
4 may not award a contract or provide preferential or discriminatory  
5 treatment to a person submitting a bid for a contract on the basis  
6 of race, color, ethnicity, sex, gender identity, or sexual  
7 orientation.

8 SECTION 4. The changes in law made by Section 3 of this Act  
9 apply only to a contract entered into on or after the effective date  
10 of this Act. A contract entered into before that date is governed  
11 by the law in effect on the date the contract was entered into, and  
12 the former law is continued in effect for that purpose.

13 SECTION 5. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2025.