

By: González of Dallas

H.B. No. 5400

A BILL TO BE ENTITLED

AN ACT

relating to unlawful employment practices based on sexual harassment, including complaints and civil actions arising from those practices.

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

SECTION 1. Section 21.055, Labor Code, is amended to read as follows:

Sec. 21.055. RETALIATION. (a) An employer, labor union, or employment agency commits an unlawful employment practice if the employer, labor union, or employment agency retaliates or discriminates against an individual ~~[a person]~~ who, under this chapter:

- (1) opposes a discriminatory practice;
- (2) makes or files a charge;
- (3) files a complaint; or
- (4) testifies, assists, or participates in any manner in an investigation, proceeding, or hearing.

(b) The protections against retaliation and discrimination provided by this section apply to an individual who engages in an act listed under Subsection (a) in relation to a discriminatory practice based on sexual harassment under Subchapter C-1.

SECTION 2. Section 21.141(2), Labor Code, is amended to read as follows:

- (2) "Sexual harassment" means an unwelcome sexual

1 advance, a request for a sexual favor, or any other verbal or
2 physical conduct of a sexual nature if:

3 (A) submission to the advance, request, or
4 conduct is made a term or condition of an individual's employment,
5 either explicitly or implicitly;

6 (B) submission to or rejection of the advance,
7 request, or conduct by an individual is used as the basis for a
8 decision affecting the individual's employment;

9 (C) the advance, request, or conduct has the
10 purpose or effect of unreasonably interfering with an individual's
11 work performance; or

12 (D) the advance, request, or conduct has the
13 purpose or effect of creating an intimidating, hostile, abusive, or
14 offensive working environment.

15 SECTION 3. Section 21.254, Labor Code, is amended to read as
16 follows:

17 Sec. 21.254. CIVIL ACTION BY COMPLAINANT. Except as
18 provided by Section 21.2545, within ~~Within~~ 60 days after the date
19 a notice of the right to file a civil action is received, the
20 complainant may bring a civil action against the respondent.

21 SECTION 4. Subchapter F, Chapter 21, Labor Code, is amended
22 by adding Section 21.2545 to read as follows:

23 Sec. 21.2545. CIVIL ACTION BY COMPLAINANT BASED ON SEXUAL
24 HARASSMENT. Notwithstanding Sections 21.201, 21.211, and 21.254,
25 an individual may bring a civil action for damages or other relief
26 arising from an unlawful employment practice based on sexual
27 harassment under Subchapter C-1 regardless of whether:

1 (1) the individual has filed a complaint with the
2 commission based on the grievance; or

3 (2) if the individual has filed a complaint with the
4 commission based on the grievance, the complaint is still pending
5 or the individual has not received a notice of the right to file a
6 civil action.

7 SECTION 5. Section 21.256, Labor Code, is amended to read as
8 follows:

9 Sec. 21.256. STATUTE OF LIMITATIONS. A civil action may not
10 be brought under this subchapter later than the second anniversary
11 of the date the complaint relating to the action is filed, except
12 that for a civil action arising from an unlawful employment
13 practice based on sexual harassment under Subchapter C-1 filed
14 without filing a complaint as described by Section 21.2545(1), the
15 civil action may not be brought later than the second anniversary of
16 the date the conduct constituting an unlawful employment practice
17 under Subchapter C-1 occurred.

18 SECTION 6. Section 21.2585, Labor Code, is amended by
19 amending Subsection (d) and adding Subsection (f) to read as
20 follows:

21 (d) Except as provided by Subsection (f), the ~~The~~ sum of
22 the amount of compensatory damages awarded under this section for
23 future pecuniary losses, emotional pain, suffering, inconvenience,
24 mental anguish, loss of enjoyment of life, and other nonpecuniary
25 losses and the amount of punitive damages awarded under this
26 section may not exceed, for each complainant:

27 (1) \$50,000 in the case of a respondent that has fewer

1 than 101 employees;

2 (2) \$100,000 in the case of a respondent that has more
3 than 100 and fewer than 201 employees;

4 (3) \$200,000 in the case of a respondent that has more
5 than 200 and fewer than 501 employees; and

6 (4) \$300,000 in the case of a respondent that has more
7 than 500 employees.

8 (f) Subsection (d) does not apply to a civil action for
9 damages arising from an unlawful employment practice based on
10 sexual harassment under Subchapter C-1. A civil action described
11 by this subsection is subject to Section 41.008, Civil Practice and
12 Remedies Code.

13 SECTION 7. The changes in law made by this Act apply only to
14 a claim or action based on conduct occurring on or after the
15 effective date of this Act. A claim or action based on conduct
16 occurring before that date is governed by the law in effect on the
17 date the conduct occurred, and the former law is continued in effect
18 for that purpose.

19 SECTION 8. This Act takes effect September 1, 2025.