

Texas Legislative Update Summary of 87th Session

At the beginning of the 87th Texas Legislative Session in January, 2021, we had submitted our Legislative Priorities Statement (see here sbtexas.com) to the Governor, Lt. Governor, Speaker of the House, many legislators, as well as asked our members to write their legislators and send our statement to each one personally (see this edition of the Sentinel – sbtexas.com).

These were our 8 legislative priorities

1. Religious Liberty
2. Sanctity of Life
3. Opposition to Gambling
4. Gender Identity
5. Family, Education and Parental Rights
6. Orphan Care
7. Sex Trafficking
8. Economic Freedom

1. Religious Liberty

There were seven bills passed for religious freedom, although some would argue many of these bills mirror freedoms we already enjoy in our Texas and U.S. Constitutions. Regretably there were no bills passed protecting freedom of conscience for healthcare providers or attorneys being allowed to freely express their religious beliefs while keeping their license to practice law.

HB525 Passed and being sent to Governor– Relating to the protection of religious organizations and allows churches to sue government entities if they are closed for any purpose.

SB 797 Passed and being sent to Governor– Requires the display of the national motto “In God we Trust” in public schools and institutions of higher education.

HB 1239 Passed and being sent to Governor– A government agency or public official may not issue an order that closes or has the effect of closing places of worship in Texas.

SJR 27 Passed and filed with the Secretary of State – Proposes a constitutional amendment to prohibit Texas or a political subdivision of this state from prohibiting or limiting religious services of religious organizations.

HCRI Passed and sent to Governor – A resolution that the 87th Legislature of the State of Texas hereby supports prayers, including the use of the word “God,” at public gatherings and displays of the Ten Commandments in public educational institutions and other government buildings.

SB 581 Passed and sent to Governor – A property owners’ association may not enforce or adopt a provision that prohibits a property owner or resident from displaying or affixing on the [entry to the] owner’s or resident’s property or dwelling one or more religious items the display of which is motivated by the owner’s or resident’s sincere religious belief.

SB572 Passed and sent to the Governor- (partially restrictive) A health care facility may not prohibit in-person visitation with a religious counselor during a public health emergency unless federal law or a federal agency requires the health care facility to prohibit in-person visitation during that period.

HB 1424 Not passed – This bill would have provided for a health care provider’s right to object to participation in a medical procedure that violates their ethical, moral, or religious beliefs. See explanation for Medical Right of Conscience here: sbtexas.com

SB247/HB3940 Not passed – Prohibiting the State Bar of Texas from adopting or imposing a rule that forces a person (attorney) to choose between practicing law and freely expressing their religious beliefs or associating with whom they choose or lose their license solely because of statements they have made regarding controversial political, religious, or social viewpoints; because of their service on boards of various religious or other charitable institutions; or because of their speaking at public events.

2. Sanctity of Life

There were no Abolition of Abortion bills passed this session, however the “Heartbeat Bill” and a “Trigger” bill, which bans abortion if Roe v. Wade is repealed, were passed.

SB 8 Texas Heartbeat Act Passed and signed by the Governor – Bans abortion on children who have a detectable heartbeat and provides other pro-life legal tools to stop abortion such as standing for private citizens to be able to sue abortionists and those who aid and abet an abortion.

HB 1280 Trigger Abortion Ban Passed and sent to Governor - Bans abortion in Texas whenever the Supreme Court overrules Roe v. Wade wholly or partly.

SB 1173/HB 3218 Preborn NonDiscrimination Act (PreNDA) Not Passed – Bans remaining late-term abortions & abortions motivated by the sex, race, or disability of the child as well as connecting families with perinatal palliative care if their child has a disability.

SB 1647/HB 3760 Texas Abolition Strategy Omnibus Bill – Only heartbeat portion of this bill passed with SB 8 and the rest did not pass - Includes PreNDA, heartbeat, complete ban on elective abortions, and other pro-life policies that go into effect at various dates.

SB 394/HB 2337 Regulating Abortion-Inducing Drugs Not Passed – Puts into Texas law FDA regulations on abortion-inducing drugs that have been or are expected to be repealed by the Biden administration.

SB 650/HB 1173 Ban taxpayer-funded abortion “logistical support” Not Passed – Follow up on SB 22 from last session since the city of Austin tried to go around it and fund transportation, court fees, other costs not directly paying for the abortion. However, with the passage of SB 8, the Heartbeat Act, private citizens will be able to sue those who aid and abet in an abortion.

SB 802/HB 2313 Every Mother Matters Act (EMMA) Not Passed – Requires pre-abortion counseling outside the abortion clinic.

3. Opposition to Gambling

Many pro-gambling bills were filed this session, from Bingo halls and sporting facilities to two bills calling for the operation of Las Vegas-style casinos in Texas, as well as a resolution for a constitutional amendment to authorize these casinos. There were over 60 well-paid gambling lobbyists in the Austin Capitol. Ultimately, they were hoping that a constitutional amendment be placed on the ballot to allow gambling to be legal in Texas. While that was not accomplished this session, they will be back and continue to try. Most of these bills in their original text would take the State to Class III gaming, which would trigger federal laws allowing certain tribes to open up casinos around Texas. Gambling is destructive to society and the family, and should be opposed in every legislative session.

HB 2168 Statewide Electronic Raffles Passed and sent to the Governor, but in amended form – In the original wording, this bill would have been a form of online gambling that Texas has never had before. This would be a dangerous inroad and set-up for future sports betting. It would allow electronic facsimiles game of chance (raffles) to be purchased on-line/mobile phone. It also allows credit cards to be used to make the purchase. This bill would have been considered class III gaming. Thankfully, we were able to get most of the language stripped from the bill, however, the final version still allows for raffles to be purchased with a credit card.

HB 393/SB 592 Daily Fantasy Sports Not Passed – would have amended the definition of bet to exclude participation in daily fantasy sports from definition. See here why DFS is so dangerous, especially to our youth - stoppredatorygambling.org. The SBTC also has a statement strongly opposed to DFS.

***Keno HB 394 and HB 817 Not Passed** – These bills would have allowed drawings every four minutes, equalling 285 draws a day. The Keno game, which is very addictive, would be predominantly played in bars and restaurants, seven days a week.

***HJR 26 Not Passed** – Proposing a constitutional amendment to authorize the operation of casino gaming in certain state coastal areas.

***HB 477 Not Passed** – Relating to the operation of casino gaming in certain state coastal areas.

***SJR 36 Not Passed** – Proposing a constitutional amendment authorizing the operation of 12 casinos in Texas by licensed persons in counties that have approved casino gaming.

4. Gender Identity

The most appalling failure of the 87th Legislative Session was not protecting children from puberty blockers, cross-sex hormones, sterilizing and mutilating surgery by medical providers in order to allow children under 18 to “change” their gender, as well as not protecting women’s sports. This should never be allowed in Texas, and has already become a money making syndicate that must be shut down. Every child is created in the image of God with God’s determined sex of male or female at birth. Allowing children to make these life-altering changes as well as allowing adults to influence them is not only morally wrong, but also carries dire consequences. There are countless testimonies of adults who underwent transition procedures as children, but regret it now. Ranging from bone density problems, fertility issues to suicide, these are more than just side effects of a drug or procedure. They significantly decrease the quality of life - forever.

***HB 68 “The Innocence Protection Act” Not Passed** – This bill would classify medical procedures to change a child’s sex, such as puberty blockers or genital surgeries, as child abuse.

***HB1399/HB 2693/SB 1311 Not Passed** – This bill would have prevented physicians and health care providers from providing or funding gender reassignment procedures, procedures and treatments for gender transitioning, or gender dysphoria for children. These bills would have prohibited health care providers from performing or prescribing these medical treatments. In addition, it would require the Texas Medical Board or other appropriate state agencies to revoke the license of any provider offering sex change treatments to minors. Finally, it would prohibit health insurance from covering these procedures.

***SB 1646/HB 4014 Not Passed** – This bill would also protect children from receiving puberty-suppression drugs, cross-sex hormones, medical procedures or surgeries for the purpose of gender reassignment by defining these practices as child abuse.

***HB 1458 The Fair Play in Women’s Sports Act Not Passed** – Relating to the separation based on biological sex of athletics teams sponsored by a public school or institution of higher education. This bill defends women’s rights, secured under Title IX, to equal access to athletic opportunities and scholarships. As biological

males are entering women's sporting competitions, girls are being robbed of these opportunities and this bill would have put a stop to it in Texas. Florida, Alabama, Arkansas, Idaho, Mississippi, Tennessee and West Virginia, have all enacted bans that prohibit transgender women and girls from playing on women's sports teams. Texas must do the same.

SB29/HB4042 Not Passed – This bill would have required public school students to compete in interscholastic athletic competitions based on sex and a study conducted by the University Interscholastic League on the effects of allowing a student to participate in an athletic competition designated for the sex opposite to the student's sex.

5. Family, Education and Parental Rights

Transparency and parental rights in education and family court, as well as visitation rights of family in various care facilities.

HB3979 Passed – Adopting new Social Studies curriculum in an effort to oppose Critical Race Theory – Read here for more info regarding the problem nationalreview.com and a summary of concerns with the new Texas law drcarolehhaynes.com

There was the Passage of HB 4509 which says educators shall cultivate in [will prepare] students an informed American patriotism and lead students in a close study of the founding documents of the United States and Texas, and HB 2497 which Passed that seeks to increase civic literacy and an understanding of the importance of Texas' unique history by establishing the 1836 Project as an advisory committee to promote patriotic education and increase awareness of Texas values.

SB 442 Passed as an amendment onto HB 1525 – Relating to local school health advisory councils and health education provided by public schools, including requirements regarding human sexuality instruction. Texas Education Code 28.004 regarding School Health Advisory Councils (SHACs) was amended to require SHACs to post meeting notices, meeting minutes, and audio or video recordings of meetings. District Board of Trustees must adopt a policy for the adoption process of curriculum materials for the district's human sexuality instruction including making materials available in the public domain with processes for copyrighted materials. Districts must provide detailed description of the content and more information on parental rights.

SB 1082 Passed as an amendment onto HB 1525 – Relating to parental access to curriculum materials used in a public school's human sexuality instruction. This bill clarifies a parent's right to view sex ed curriculum materials and demands a greater level of transparency from our schools. Texas has become an OPT IN state for Human Sexuality Instruction. School districts must receive consent from parents in order to provide instruction. This provision expires August 2024 and will need to be renewed.

HB 803 Not Passed – Relating to equal parenting orders in suits affecting the parent-child relationship.- Children need both a mother and a father in their lives as long as both parents are fit, willing, safe and able. For more information read here equaljusticetaskforce.com

SB 977 Not Passed – Relating to defenses to prosecution for certain offenses involving material or conduct that may be obscene or is otherwise harmful to children. The author, Senator Bob Hall, has stated, "Current provisions in Texas Law allow children to be exposed to harmful and obscene materials if the exposure is for educational, medical, psychological, or legislative purposes. Obscenity is not constitutionally protected speech, and has no place being shown or made available to children for any purpose. Unfortunately, the material that falls under these categories is currently accessible to children in many school and public libraries and there are loopholes in statute which currently provide a defense to prosecution for someone who solicited a child to a sexual performance or conduct, if the individual is able to show that it was for a bona fide "educational, medical, psychological, or psychiatric purpose." This unthinkable scenario has taken place in court. There is no legitimate

educational, medical, psychological, psychiatric, or any other reason to traumatize a child with lewd or obscene material. This bill would remove all of these exemptions from statute – including the exemptions for judicial and legislative purposes. The only one it would leave is the law enforcement exemption, so that officers may carry out appropriate investigational duties as needed.”

However, two of the Appropriations Riders were to defund pornography in schools. The library resources version was not adopted, but the instructional materials rider Article III-8 is still in SB 1 for the 2022-2023 Texas Budget. The new rider requires vendors for instructional materials to comply with the federal Children’s Internet Protection Act (CIPA) that requires network and device filters to block inappropriate content such as pornography.

Article III-8: lrl.texas.gov

SB 25 Passed and sent to Governor – This bill amends the health and safety code to grant a resident of a nursing facility, assisted living facility, intermediate care facility for individuals with an intellectual disability, home and community-based services (HCS) program, or state supported living center, or the resident’s guardian or legally authorized representative the right to designate an essential caregiver with whom the facility, center, or program provider may not prohibit in-person visitation. Read more here capitol.texas.gov

SJR19 Passed and sent to Secretary of State – Proposing a constitutional amendment establishing a right for residents of certain facilities to designate an essential caregiver for in-person visitation.

6. Orphan Care

HB 3041 Passed and signed by the Governor – This bill seeks to prevent children from needlessly entering into the foster care system by establishing a pilot program to provide matching federal dollars to help provide evidence-based prevention services, including mental health services, substance abuse treatment, and in-home intensive parenting support, for adults whose children are at imminent risk of entering foster care. It also creates the Family Preservation Services pilot program. Read more here capitol.texas.gov

HB 567 The Child Trauma Reduction Act Passed and signed by the Governor – This bill seeks to reduce the cycle of trauma that many children experience in foster care by clarifying procedures and grounds in the Family Code that DFPS and the courts rely upon when making life-altering decisions concerning the removal of children into foster care and termination of parental rights. This bill reduces the harm to children by unnecessarily separating them from their families, prioritizes support for families over removal, and ensures that minimum due-process standards are met before families can be forced into court-ordered services Read more here capitol.texas.gov

HB 2536 Passed and signed by the Governor – This bill would ban courts from terminating a parent-child relationship because the parent sought a second medical opinion for their child or moved him or her to another medical provider or facility. The Texas Department of Family and Protective Services would also be banned from seizing children from their parents for the same reasons.

HB 3820 Not Passed – This was an important bill that would have required needed accountability and a second opinion by a specialist if a doctor suspects or claims there has been child abuse. There are many families who have been affected having their children removed over allegations of abuse by a child abuse pediatrician absent a consult with other doctors, however hopefully the passage of HB 2536 will help families with this issue.

7. Sex Trafficking

HB 465 Passed and signed by the Governor – Relating to changing the eligibility for release on parole of certain inmates serving sentences for trafficking offenses involving one or more child victims.

SB 1831 Passed and sent to the Governor – amends current law relating to the punishment for trafficking of persons, online solicitation of a minor, and prostitution and warning signs regarding certain penalties for trafficking of persons, and increases criminal penalties. Read more here capitol.texas.gov

HB 1540 Passed and sent to the Governor – amends current law relating to regulation of certain facilities and establishments with respect to, civil remedies for certain criminal activities affecting, and certain criminal offenses involving health, safety, and welfare; creates a criminal offense; and increases criminal penalties. Read more here capitol.texas.gov

HB 2633 Passed and sent to the Governor – amends current law relating to resources provided to human trafficking victims and the establishment of the trafficked persons grant program. Read more here capitol.texas.gov

SB315 Passed and signed by the Governor – Relating to restrictions on the age of persons employed by or allowed on the premises of a sexually oriented business; creating a criminal offense.

SB 766 Passed and sent to the Governor – Relating to sexually oriented businesses, including a requirement to participate in the federal electronic verification of employment authorization program, or E-verify, and restricting the age of persons employed by or allowed on the premises; creating criminal offenses.

8. Economic Freedom

SB 1336 Passed and sent to Governor – This bill caps the growth of state spending at the rate of population plus inflation. However, an exception is made for an appropriation to pay costs associated with recovery from a disaster declared by the governor, as well as funds dedicated to tax relief. Read more here - texasscorecard.com

HB 3 Not Passed – Because of so much loss, including the loss of businesses and freedom in the past year, the legislature needed to curtail executive (state and local) overreach. However, HB 3 was a bill of serious concern. In its original form, HB 3 would have granted sweeping new pandemic emergency authority to the governor and create narrow and almost meaningless liability protection for Texas businesses, including placing Texas businesses under federal/CDC, state, and local ever-changing guidelines. The House and Senate had very different approaches to curtail or reform executive overreach on both the state and local levels and they could not come to an agreement. texasscorecard.com

Read here for more of a breakdown of Texas House Bill 3: texasaction.com

Special Session – The Governor of Texas has the authority to call the Legislature back into a 30-day special session to complete unfinished business. He can actually call more than one special session if need be. During this 30 day timeframe, the governor stipulates which specific topics can be addressed through legislation. The Texas Legislature will already have to reconvene for a special session later in the fall for redistricting. The governor can add remaining priorities to the agenda for the special session such as abolition of abortion, repealing the 10-Day Rule, conscience protections for healthcare professionals, protecting children under 18 from life-altering sex-change procedures and puberty blocking drugs, or any unfinished business in which bills did not pass. So far, the governor has only mentioned a special session for issues related to redistricting, election integrity, and bail reform.

ACTION: Please call the Governor gov.texas.gov/contact and Lt. Governor ltgov.texas.gov and tell them to put the rest of our priorities on the agenda. To find out who represents you, go to wrm.capitol.texas.gov

Thank you for contacting your representatives and letting your voice be heard when we have sent out notices, alerts and action points. It matters!