



2021 Faith & Family Scorecard Bills Considered

The following is a brief summary of the bills from the 87th Texas Legislative Session that were used to compile our 2021 Faith & Family Scorecard.

HOUSE

HB 1239 Freedom to Worship Act

HB 1239 ensures that churches are protected from being closed by the government. The bill amends the Civil Practice and Remedies Code to prohibit any government agency or public official from issuing an order that closes or has the effect of closing places of worship in Texas. The bill is a response to the COVID-19 pandemic when churches were closed by either state or local ordinance and the First Amendment freedom to worship was infringed upon.

HB 1239 was signed into law.

HB 1239 Motion to Concur Senate Amendments

The Senate amendments on HB 1239 broadened the definition of public official to include a person selected, employed or designated for a government agency and added board, commission, or bureau as the places where the public official serves. The amendments also included making sure that restrictions on occupancy or capacity of a place of worship are considered the “effect of closing” a place of worship.

The House voted to concur the Senate amendments.

HB 1280 Roe v. Wade Trigger Bill

HB 1280, known as the “trigger-ban abortion law”, would end the practice of abortion in the state of Texas when the Supreme Court of the United States overturns *Roe v. Wade*. The law allows for abortion law-making authority to return to the state of Texas and would enact a prohibition of abortion that provides both a civil penalty and criminal offense.

HB 1280 was signed into law.

HB 4139 Health Equity Office

HB 4139 would expand and transform an office within the Health and Human Services Commission and to call it the Office of Health Equity. The Office of Health Equity would have had a gender equity category, which would presumably require gender transition surgeries and treatments in the name of equity.

HB 4139 passed on 3rd reading in the House but died in the Senate.

HB 525 Religious Organizations are Essential

HB 525 designates all religious organizations and activities as essential so that they cannot be prohibited by the government for any reason, but especially during a declared state of disaster or emergency. A religious organization has a right to sue a government entity violating this law.

HB 525 was signed into law.

SB 1 Floor Amendment 46 to Reduce Funding for Alternatives to Abortion Program

This amendment sought to reduce the funding to the Alternatives to Abortion Program by 10 million dollars each fiscal for two years. The 10 million dollars taken away from the Alternatives to Abortion Program would then be attributed to Criminal Justice.

The amendment failed adoption.

SB 1 Floor Amendment 47 to Increase Funding for Alternatives to Abortion

This amendment increased the budget for the Alternatives to Abortion program by 10 million dollars for each fiscal year of the state fiscal biennium ending August 31, 2023.

The amendment was adopted.

SB 1 Floor Amendment 84 to Prohibit Using Appropriations for School Choice

This amendment would prohibit the state from being able to support a school voucher program, allocate money to help parents establish an education savings account, or create a tax credit scholarship program in order to give parents the option to send their children to nonpublic primary or secondary schools.

The amendment was adopted.

SB 572 Allowing Religious Counselor Visitation

SB 572 allows religious counselors and pastors to visit patients in the hospital during a pandemic. The law states that a health facility may not prohibit a patient in the facility from receiving in-person visitation from religious counselor during a public health emergency.

The bill was signed into law.

SB 581 Religious Display Protection in HOAs

SB 581 protects religious freedom rights by protecting a person's right to have a religious display outside or near their home. The bill makes sure that homeowner's associations cannot make rules or order a person to remove a display that expresses a person's faith.

This bill passed both chambers and was signed into law.

SB 7 Election Integrity

SB 7 seeks to ensure fair elections by amending the Election Code to include improvements on: tracking dead person registration, making sure poll watchers can observe voting an election activity, defining unlawful voter assistance, and enforcing laws on election procedures.

This bill died in the House after no agreement was made on Senate amendments.

SB 8 Texas Heartbeat Act

SB 8 ensures that once a heartbeat is detected, the baby's life must be protected. The bill relies on civil enforcement where a citizen has a right, on behalf of an unborn child, to sue any person who performs or aids or abets an abortion.

This bill was signed into law.

SB 8 Heartbeat Bill, Floor Amendment 1

This amendment to the Heartbeat law makes sure that a civil action to sue for the procurement of an abortion cannot be brought by someone who raped, sexually assaulted, or engaged in incest with the woman who was carrying the unborn child.

The amendment was adopted.

SB 8 Heartbeat Bill, Floor Amendment 2

This amendment was to clarify the bill by: 1) clarifying the right to civil action refers expressly to the subchapter on suing for the performance of an abortion and 2) reduced the statute of limitations from six years to four years.

The amendment was adopted.

SJR 27, Religious Freedom Constitutional Amendment

This resolution seeks to amend the constitution that Texas and any political subdivision of the state, may not enact, adopt, or issue a statute, order, proclamation, decision, or rule that prohibits or limits religious services including religious services conducted in churches, congregations, and places of worship, in this state by a religious organization established to support and serve the propagation of a sincerely held religious belief.

This resolution passed both chambers and will be put on the November 2021 ballot.

HB 25, Save Women's Sports *3rd Special Session*

HB 25 protects female sports in middle school and high school by making sure that biological males do not compete against females in athletic competitions. The bill states that a student must compete on the sports team that aligns with the sex on his or her birth certificate that was administered at or near the time of birth.

The bill was signed into law.

SB 4 No Mail Order Abortions *2nd Special Session*

SB 4 creates state standards for the regulation of chemical abortion drugs. One of the standards includes prohibiting the distribution of chemical abortion drugs by mail. The other regulations include making sure that a doctor examines a pregnant woman in person before giving her chemical abortion drugs, a doctor verifies that a woman is indeed pregnant, a doctor document whether an ectopic pregnancy exists, a doctor check for a woman's blood type, and make sure that the woman is not more than 49 days of gestational age.

The bill was signed into law.

SENATE

HB 1239 Freedom to Worship Act

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HB 1239 was signed into law.

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HB 1280 passed in both chambers and was signed into law.

HB 525 Religious Organizations are Essential

HB 525 designates all religious organizations and activities as essential so that they cannot be prohibited by the government for any reason but especially during a declared state of disaster or emergency. A religious organization has a right to sue a government entity under this law.

HB 525 passed in both chambers and was signed into law.

SB 1311 Gender Modification

SB 1311 would prohibit physicians and other healthcare providers from receiving coverage from a professional liability insurance coverage for gender transitioning or gender reassignment medical procedures and treatments for children.

The bill passed the Senate chamber and died in the House.

SB 1311 Gender Modification Floor Amendment 1

This amendment would have made an exception to the bill that would allow gender transitioning or gender reassignment medical procedures and treatment for children who have been diagnosed with gender dysphoria, anxiety, depression, or suicidal ideation.

Amendment failed.

SB 1311 Gender Modification Floor Amendment 2

This amendment would provide an exception to the bill that would exclude doctors who prescribe, administer, or supply a puberty blocking medication to a child who is experiencing precocious puberty.

Amendment failed.

SB 1311 Gender Modification Floor Amendment 3

This amendment would have made the bill only apply to a procedure or treatment provided by a doctor or health care provider on or after the effective date of the Act. In other words, the bill would not retroactively affect doctors who were already performing gender transition surgeries and procedures on children.

Amendment failed.

HB 25, Save Women's Sports *3rd Special Session*

HB 25 protects female sports in middle school and high school by making sure that biological males do not compete against females in athletic competitions. The bill states that a student must compete on the sports team that aligns with the sex on his or her birth certificate that was administered at or near the time of birth.

The bill was signed into law.

SB 247 Attorney Religious Protection

This bill protects the religious freedom rights of attorneys by making sure an attorney is not denied a license or does not have their license revoked due to speech or conduct that is based on sincerely held religious beliefs. The bill is a response to the American Bar Association Rule 8.4 (g) that considers harassment that is based on sexual orientation and gender identity.

The bill passed in the Senate but died in the House.

SB 247 Floor Amendment 2

This amendment would add to the bill that an attorney may not refuse to represent a person as a client based on the person's sexual orientation or gender identity.

The amendment failed.

SB 26 Freedom to Worship Act

SB 26 protects the freedom of religious activities by preventing the future closure of places of worship through the use of emergency powers.

The bill passed in the Senate chamber but died in the House.

SB 26 Freedom to Worship Act, Amendment 1

This amendment stated that the prohibition of closing a church would not apply to a contract between a government agency or public official and a private entity related to a place of worship.

The amendment was tabled.

SB 29 Fair Play in Women's Sports

SB 29 would require University Interscholastic League athletes to compete in sports associated with their biological sex as determined at or near birth and that was properly listed on the student's birth certificate.

The bill passed in the Senate, but failed in the House.

SB 29 Floor Amendment 2

This amendment would take out the portion of the bill that would say that the sex on the birth certificate would be "determined at the student's birth and correctly".

The amendment failed.

SB 29 Floor Amendment 3

This amendment would create a legal defense account to help pay for costs incurred whenever a school does not comply with the law of protecting female sports and is sued for not following the law.

The amendment failed.

SB 29 Floor Amendment 4

This amendment would exclude from liability school employees who either mistakenly do not comply or who refuse to comply or enforce this to not allow biological males on female sports teams.

The amendment failed.

SB 4 No Mail Order Abortions *2nd Special Session*

SB 4 creates state standards for the regulation of chemical abortion drugs. One of the standards includes prohibiting the distribution of chemical abortion drugs by mail. The other regulations include making sure that a doctor examines a pregnant woman in person before giving her chemical abortion drugs, a doctor verifies that a woman is indeed pregnant, a doctor document whether an ectopic pregnancy exists, a doctor check for a woman's blood type, and make sure that the woman is not more than 49 days of gestational age.

The bill was signed into law.

SB 442 School Health Advisory Council (SHAC) Transparency

SB 442 ensures more transparency and accountability from members of school health advisory councils also known as SHACs. The bill would require that SHACs publicly post their minutes so that parents may review them, hold at least two public meetings on human sexuality curriculum materials with opportunity for public testimony, and ultimately have the school board of trustees officially vote on the recommendations for human sexuality instruction at a public meeting.

The bill passed in the Senate chamber but died in the House.

SB 581 Religious Display Protection in HOAs

SB 581 protects religious freedom rights by protecting a person's right to have a religious display outside or near their home. The bill makes sure that homeowner's associations cannot make rules or order a person to remove a display that expresses a person's faith.

This bill was signed into law.

SB 650 , a.k.a SB 22 Clean-Up, No taxpayer dollars to abortion related services

SB 650 was known as the "SB 22 clean up bill" by correcting the loophole Austin City Council found in providing funding to abortion related services with the use of taxpayer dollars.

The bill passed in the Senate but died in the House.

SB 650 Floor Amendment 1

This amendment would exclude abortion related services from the bill.

The amendment failed.

SB 650 Floor Amendment 2

This amendment would exclude a governmental entity governed by an official or a body of representatives who are elected officials.

The amendment failed.

SB 650 Floor Amendment 3

This amendment would have removed the Texas Attorney General's ability to bring a cause of action on behalf of the state if a government entity were to violate the law by contracting with an abortion provider.

The amendment failed.

SB 7 Conference Committee Report Adoption Vote

A conference committee was arranged to accept amendments to the bill.

The committee report passed in the Senate chamber but died in the House.

SB 7 Election Integrity Bill

SB 7 seeks to ensure fair elections by amending the Election Code to include improvements on: tracking dead person registration, making sure poll watchers can observe voting and election activity, defining unlawful voter assistance, and enforcing laws on election procedures.

This bill died in the House after no agreement was made on Senate amendments.

SB 8 Heartbeat Act

SB 8 ensures that once a heartbeat is detected, the baby's life must be protected. The bill relies on civil enforcement where a citizen has a right, on behalf of an unborn child, to sue any person who performs or aids or abets an abortion.

This bill passed in both chambers and was signed into law.

SB 8 Heartbeat Bill, Floor Amendment 1 by Hughes

This amendment adds and defines affirmative defenses and other defenses to the Heartbeat Bill.

The amendment passed.

SJR 27, Religious Freedom Constitutional Amendment

This resolution seeks to amend the constitution that Texas and any political subdivision of the state, may not enact, adopt, or issue a statute, order, proclamation, decision, or rule that prohibits or limits religious services including religious services conducted in churches, congregations, and places of worship, in this state by a religious organization established to support and serve the propagation of a sincerely held religious belief.

This resolution passed both chambers and will be put on the November 2021 ballot.

