

GOVERNMENT CODE

TITLE 10. GENERAL GOVERNMENT

SUBTITLE H. PROHIBITED ADVERSE ACTIONS BY GOVERNMENT

CHAPTER 2400. PROTECTION OF MEMBERSHIP IN AND SUPPORT TO RELIGIOUS
ORGANIZATIONS

Sec. 2400.001. DEFINITIONS. In this chapter:

(1) "Adverse action" means any action taken by a governmental entity to:

(A) withhold, reduce, exclude, terminate, or otherwise deny any grant, contract, subcontract, cooperative agreement, loan, scholarship, license, registration, accreditation, employment, or other similar status from or to a person;

(B) withhold, reduce, exclude, terminate, or otherwise deny any benefit provided under a benefit program from or to a person;

(C) alter in any way the tax treatment of, cause any tax, penalty, or payment assessment against, or deny, delay, or revoke a tax exemption of a person;

(D) disallow a tax deduction for any charitable contribution made to or by a person;

(E) deny admission to, equal treatment in, or eligibility for a degree from an educational program or institution to a person; or

(F) withhold, reduce, exclude, terminate, or otherwise deny access to a property, educational institution, speech forum, or charitable fund-raising campaign from or to a person.

(2) "Benefit program" means any program administered or funded by a governmental entity or federal agency that provides assistance in the form of payments, grants, loans, or loan guarantees.

(3) "Governmental entity" means:

(A) this state;

(B) a board, commission, council, department, or other agency in the executive branch of state government that is

created by the state constitution or a statute, including an institution of higher education as defined by Section 61.003, Education Code;

(C) the legislature or a legislative agency;

(D) a state judicial agency or the State Bar of Texas;

(E) a political subdivision of this state, including a county, municipality, or special district or authority; or

(F) an officer, employee, or agent of an entity described by Paragraphs (A)-(E).

(4) "Person" has the meaning assigned by Section 311.005, except the term does not include:

(A) an employee of a governmental entity acting within the employee's scope of employment;

(B) a contractor of a governmental entity acting within the scope of the contract; or

(C) an individual or a medical or residential custodial health care facility while the individual or facility is providing medically necessary services to prevent another individual's death or imminent serious physical injury.

(5) "Religious organization" means an organization that is a religious organization under Section 110.011(b), Civil Practice and Remedies Code.

Added by Acts 2019, 86th Leg., R.S., Ch. 666 (S.B. 1978), Sec. 1, eff. September 1, 2019.

Sec. 2400.0015. APPLICABILITY. This chapter does not apply to an investment prohibited under Chapter 808 or a contract prohibited under Chapter 2271.

Added by Acts 2019, 86th Leg., R.S., Ch. 666 (S.B. 1978), Sec. 1, eff. September 1, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 9.015, eff. September 1, 2021.

Sec. 2400.002. ADVERSE ACTION PROHIBITED. Notwithstanding

any other law, a governmental entity may not take any adverse action against any person based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization.

Added by Acts 2019, 86th Leg., R.S., Ch. 666 (S.B. 1978), Sec. 1, eff. September 1, 2019.

Sec. 2400.003. RELIEF AVAILABLE. (a) A person may assert an actual or threatened violation of Section 2400.002 as a claim or defense in a judicial or administrative proceeding and obtain:

- (1) injunctive relief;
- (2) declaratory relief; and
- (3) court costs and reasonable attorney's fees.

(b) Notwithstanding any other law, a person may commence an action under this section and relief may be granted regardless of whether the person has sought or exhausted available administrative remedies.

Added by Acts 2019, 86th Leg., R.S., Ch. 666 (S.B. 1978), Sec. 1, eff. September 1, 2019.

Sec. 2400.004. IMMUNITY WAIVED. A person who alleges a violation of Section 2400.002 may sue the governmental entity for the relief provided under Section 2400.003. Sovereign or governmental immunity, as applicable, is waived and abolished to the extent of liability for that relief.

Added by Acts 2019, 86th Leg., R.S., Ch. 666 (S.B. 1978), Sec. 1, eff. September 1, 2019.

Sec. 2400.005. INTERPRETATION. (a) This chapter may not be construed to preempt a state or federal law that is equally or more protective of the free exercise of religious beliefs or to narrow the meaning or application of a state or federal law protecting the free exercise of religious beliefs.

(b) This chapter may not be construed to prevent a governmental entity from providing, either directly or through a person who is not seeking protection under this chapter, any benefit or service authorized under state or federal law.

Added by Acts 2019, 86th Leg., R.S., Ch. 666 (S.B. [1978](#)), Sec. 1,
eff. September 1, 2019.