

GOVERNMENT CODE

TITLE 10. GENERAL GOVERNMENT

SUBTITLE H. PROHIBITED ADVERSE ACTIONS BY GOVERNMENT

CHAPTER 2401. PROTECTION OF RELIGIOUS ORGANIZATIONS

Sec. 2401.001. DEFINITIONS. In this chapter:

(1) "Disaster" has the meaning assigned by Section 418.004.

(2) "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) through (E).

(3) "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; or

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

(4) "Religious organization" means an organization open to the public that is a religious organization under Section 110.011(b), Civil Practice and Remedies Code.

Added by Acts 2021, 87th Leg., R.S., Ch. 920 (H.B. 525), Sec. 1, eff. June 18, 2021.

Sec. 2401.002. ESSENTIAL BUSINESS; PROHIBITED RESTRICTIONS. (a) Notwithstanding any other law, a religious

organization is an essential business at all times in this state, including during a declared state of disaster, and the organization's religious and other related activities are essential activities even if the activities are not listed as essential in an order issued during the disaster.

(b) A governmental entity may not:

(1) at any time, including during a declared state of disaster, prohibit a religious organization from engaging in religious and other related activities or continuing to operate in the discharge of the organization's foundational faith-based mission and purpose; or

(2) during a declared state of disaster order a religious organization to close or otherwise alter the organization's purposes or activities.

Added by Acts 2021, 87th Leg., R.S., Ch. 920 (H.B. [525](#)), Sec. 1, eff. June 18, 2021.

Sec. 2401.003. RELIEF AVAILABLE. (a) A person may assert a violation of Section [2401.002](#) 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 2021, 87th Leg., R.S., Ch. 920 (H.B. [525](#)), Sec. 1, eff. June 18, 2021.

Sec. 2401.004. ATTORNEY GENERAL ACTION; INTERVENTION IN PROCEEDING; PROHIBITED RECOVERY OF EXPENSES. (a) The attorney general may bring an action for injunctive or declaratory relief against a governmental entity or an officer or employee of a governmental entity to enforce compliance with this chapter.

(b) This section may not be construed to deny, impair, or otherwise affect any authority of the attorney general or a

governmental entity acting under other law to institute or intervene in an action.

(c) The attorney general may not recover expenses incurred in bringing, instituting, or intervening in an action described by this section.

Added by Acts 2021, 87th Leg., R.S., Ch. 920 (H.B. [525](#)), Sec. 1, eff. June 18, 2021.

Sec. 2401.005. 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 2021, 87th Leg., R.S., Ch. 920 (H.B. [525](#)), Sec. 1, eff. June 18, 2021.