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SB 8 DEBATE - SECOND READING**(Orr, Metcalf, Bonnen, Leach, Harris, et al. - House Sponsors)**

SB 8, A bill to be entitled An Act relating to the designation and use of certain spaces and facilities according to sex; authorizing a civil penalty and a private civil right of action.

REPRESENTATIVE ORR: It is a shame that there is a need for this bill, but here in a day and age where a biological man thinks it's okay—and even encouraged—to invade a girls' restroom, here we are. As a mother, a grandmother, and a Christian, I'm proud to stand before you today on behalf of 15 million Texas women and 2.7 million Texas school girls who have a God-given right to privacy and safety while they are at their most vulnerable. That is why **SB 8** protects the privacy and safety of women and children in multi-occupancy private spaces. This includes bathrooms, locker rooms, shower rooms, and changing rooms. Texans across the state are increasingly concerned that their daughters, sisters, mothers, and grandmothers are losing the basic expectation of privacy in spaces traditionally separated by sex. This legislation has been discussed for over 10 years, and as I stand before you today, I doubt that these legislative discussions will end after the passage of this bill. But that's why we serve as legislators. As representatives of our constituents who choose each one of us to represent them, I have no doubt that everyone on the floor here today will do just that: represent the values of their constituents. I'd like to start my layout of **SB 8** by stating clearly what it does not do.

SB 8 is not a bill that affects any privately owned or privately funded entity. **SB 8** is not a bill that will create a penalty, either civil or criminal, for any individual. So what is **SB 8**? **SB 8** requires any state agency or political subdivision to have in place and enforce a policy—a policy—in any multiple-occupancy private spaces like restrooms, changing rooms, and locker rooms that only women can use facilities designated for women and only men can use facilities designated for men. The reason this policy is necessary is that one of the only reasons for our government to exist is to ensure the safety and protection of those who cannot protect themselves. And while this bill addresses protection for both men and women, there will be no question that the emphasis is on providing girls and women with an expectation of safe and secure spaces when they may be at their most vulnerable. While it's important for government to provide these protections, it's even more incumbent on government to codify these protections in spaces where there cannot be an alternative option provided by the free market, such as a county courthouse, a public school, a prison, or even our state Capitol. For a facility that's state-owned or -funded, a policy shall be in place. If a person using a facility covered by this policy encounters an issue, **SB 8** dictates that the remedy is for the person encountering the issue to notify the facility in writing. The agency or political subdivision has three days to respond and cure. In the event that they fail to provide a remedy, the person making the facility aware of the issue may notify the state attorney general, and the attorney general shall proceed with an investigation. In the event the facility fails to make a remedy after an additional 14 days, a fine shall be imposed. The goal of **SB 8** is

not to collect fines; the goal is for political subdivisions and state agencies to have a policy in place that ensures people can use restrooms, changing facilities, and other shared spaces with the confidence that they will not encounter a person of the opposite sex. Let me give you a few examples of how **SB 8** will help protect women and girls.

Imagine being a young girl becoming a woman with so much on her mind—new hormones, changes in her life. The last thing she needs to worry about are the implications of a boy in her school bathroom. Imagine a young girl in junior high trying to fit in by being in athletics. She enters a multi-occupancy private space like a locker room, already so self-conscious about just about everything in this world, only to encounter a male who identifies as a female. Imagine traveling down I-35—a mother and her young children looking for a bathroom. They pull off to a TxDOT Safety Center, go into the bathroom, and surprisingly encounter a male. Right now, there's no law against that. Today, I'm sure you're going to hear many arguments. They will ask, "Why do we need this bill when so few identify as a sex different than the one they were born with?" Others will question why pass a law when the likelihood of these situations occurring is statistically low. The answer is: When it comes to the dignity, privacy, and safety of Texas women and girls, there is no compromise. This is completely nonnegotiable. Today, I'm here representing the biological truth. I'm speaking up for 15 million Texas women and girls. Our daughters and our granddaughters are watching, and they are counting on us. And let me tell you: When it comes between choosing between my little girls' safety and privacy and a grown man's bathroom preferences, I'm going to choose my little girls every time. I would hope that you do the same.

REPRESENTATIVE J. GONZÁLEZ: I know in your layout you mentioned your reasoning on why you filed this bill. But it's my understanding that—isn't it for the purpose of gaining political points for the primary race? Is that not true?

ORR: No. I've got some statistics I would be happy to share with you about polling that's been done that shows how many Americans believe that women deserve separate spaces from men. Would you like for me to read those for you?

J. GONZÁLEZ: No. I asked: Isn't it true that you wanted to file this bill because you wanted to gain political points for your primary?

ORR: I don't need political points for my primary, and I don't think that that's relevant to this bill.

J. GONZÁLEZ: Can you point to specific instances in Texas where this has been an issue and would warrant the passage of this bill? In Texas, where has this happened, please?

ORR: I appreciate that question and the opportunity to answer. The first one I have is in Round Rock. A biological boy walks into a girls' locker room after band practice and begins to undress in front of other girls. Girls ran out of a locker room after seeing a boy undress and are later told that the boy began identifying as a female and would be using female locker rooms. When the girls complained, they were given the option of using a pop-up tent in the changing

room or to go home and change. One girl chose to go home after band practice class to shower and change. She missed more than 10 minutes of her next class, and her grades began to suffer. We also have a case out of Belton—a man was seen using the women's restroom in his workplace, and it was discovered that he had placed a hidden camera under the ceiling tile above the toilet in the women's restroom. His female coworker discovered that she was being filmed in the bathroom.

J. GONZÁLEZ: What was the harm that was caused to these individuals? Usually bringing up a cause of action—you have to bring up some kind of documented harm of some sort.

ORR: The harm is that women and girls deserve to have respect, privacy, and dignity.

J. GONZÁLEZ: I noticed that there's also a fiscal note attached to your bill, but what about signage? Isn't there a cost that goes into replacing signage that stadiums are going to have to replace—or buildings, or things like that? So that mandate is an unfunded mandate down to our local entities. That was not included in your bill. There is going to be a cost associated with it. Do you know how much it would cost to replace these signs?

ORR: I believe here in the Capitol, if you don't know, we're already operating under this policy as of this year. I haven't noticed that the signs have changed. They still say "men" and "women" on the bathroom door.

J. GONZÁLEZ: But there are places that I've seen, even just here in Austin, that say "gender neutral." It's hard to say how many buildings or how many signs need to be replaced, but they will have to replace them. I've seen them before. So there isn't a cost associated with this in the fiscal note to let folks know, "Hey, we're going to have to bear these costs when this bill passes."

ORR: I think when this policy passes, it's going to be pretty well-known. I'm not sure additional signage is going to be necessary.

J. GONZÁLEZ: So what safeguards have you put in place to prevent abuse or discrimination against individuals who might weaponize this bill against others based on their perceived gender identity or expression?

ORR: This bill is aimed at the governmental subdivision and state agency. It's not aimed at an individual person.

J. GONZÁLEZ: Are there safeguards there to prevent that from happening—it not being weaponized? Because it will be.

ORR: The safeguard is for women and girls of Texas.

J. GONZÁLEZ: But I'm saying the people who this is going to be against.

ORR: Like a man?

J. GONZÁLEZ: Like the potty police that's sitting there looking at every woman that's going into the restroom—every person that's going into the restroom. Is that your intention—to make gender policing a norm in the State of Texas? That's what it appears to be in your bill.

ORR: It has nothing to do with the bill.

J. GONZÁLEZ: Yes, it does. This is—you're giving a private cause of action to folks. Basically, vigilante potty police is what it's creating.

ORR: You have to be affected in order to have a private cause of action.

J. GONZÁLEZ: So you don't think that gender policing violates somebody's right to privacy or protection under the U.S. Constitution?

ORR: They only have a private cause of action if they're the person affected, which would mean they would be using the bathroom at the same time there is a person of the opposite sex in the bathroom.

J. GONZÁLEZ: So did you intend to create a private enforcement system that would allow individuals with no direct harm to be able to sue governmental entities? That's how your bill reads. That it would.

ORR: Say that again; I'm sorry.

J. GONZÁLEZ: It creates a private enforcement system that would allow individuals who have not been directly harmed by it to sue a governmental entity. So it could be someone who claims, "Oh, well, they're not following this law, so I get to sue them"—even if you do not have direct harm.

ORR: I don't read the bill as having that provision.

J. GONZÁLEZ: It certainly does. From a lawyer's perspective, it certainly does. So does this open the door to allow anyone to sue state agencies and local governments even if—I guess it's kind of related to the last question. You're claiming that it does not.

ORR: It does not. It says that if you're a resident of Texas and you believe that this policy is not being enforced, then there is a procedure for you as a resident of Texas. There's a private cause of action available if you are not a resident of Texas, and therefore you cannot go through the attorney general's office.

J. GONZÁLEZ: There have been numerous reports of cisgender women—for folks who don't know what that means, it's someone like me, who is a woman and identifies as a woman; it's not referring to trans women—of being harassed in restrooms because they're mistaken for being trans. Maybe they had short hair, their build is different, or they don't conform to what society says that a woman should look like. How does this prevent such incidents from escalating under this policy?

ORR: Sex is defined at birth. It is on your birth certificate, and it's on your driver's license.

J. GONZÁLEZ: Yes, I understand that. That's not what I'm asking you. Would I be required to carry my birth certificate to the restroom every time I have to go to prove that just because I have short hair, or maybe I'm wearing different clothes or something, and somebody says, "You don't belong here." But I do. So is there anything that is here to protect such individuals?

ORR: No. This is here to protect biological females.

J. GONZÁLEZ: Yes, exactly. That's what I am.

ORR: Well, if you use the correct bathroom, then you should be fine.

J. GONZÁLEZ: And I do, but you're not answering my question. How do you propose handling false reports of these violations that hinge on the assumption of what someone's sex may be, especially in these circumstances where these reports result in some type of harassment directed at a person presumed to be in the wrong facility when they are in fact not?

ORR: That's going to be handled on a policy-by-policy basis.

J. GONZÁLEZ: Who's going to make that determination? If you want to go use the restroom, there's going to be a whole process just for somebody who needs to go use the restroom?

ORR: No, no, no. This bill is about a political subdivision having a policy in place.

J. GONZÁLEZ: But these types of incidents will happen, and they do happen. They happen right now without your bill. This does not create any safeguards for those individuals who will be harassed. These are unintended consequences that maybe you haven't thought about, but they will. You're going to have folks—private individuals—that are going to be policing bathrooms because they may think that someone isn't a woman and they, in fact, are.

ORR: That is not addressed in this bill.

J. GONZÁLEZ: Okay. So under your bill, who would be responsible for confirming what somebody's gender or sex is? You don't know?

ORR: There's no provision to prove.

J. GONZÁLEZ: Well, how's it going to be enforced then? How is that determination going to be made?

ORR: The determination is whether or not you have a policy and whether you enforce that policy.

J. GONZÁLEZ: But then how is it going to be enforced?

ORR: It's up to the agency, school district, city, or county.

J. GONZÁLEZ: So they get to play potty police. So what, somebody has to take their birth certificate, carry it around with them everywhere they go, a DNA test—do they have to get genetic testing? I mean, what is—how?

ORR: Whatever is decided by the agency.

J. GONZÁLEZ: But you're not providing any way to enforce it. You just say, "Hey, you have to do this." They're just going to be able to run amok.

ORR: What's important about this bill is it provides a degree of certainty that we are doing the best we can to protect the privacy and dignity of women and girls.

J. GONZÁLEZ: So do you intend for school officials, shelter workers, or stadium staff to visually assess a person's body or appearance in order to determine whether they are allowed to enter a restroom or locker room?

ORR: I don't believe schools who require a birth certificate for enrollment are going to have a problem in determining whether a child is male or female.

J. GONZÁLEZ: Well, in committee, you did say that determination was going to be made just by looking at somebody. That goes back to my previous question: How could you make that determination by visually looking at somebody, especially considering the definitions within your bill? What, are you going to have an ultrasound or something that you can see through somebody's body so you can determine whether their reproductive system—I'm just trying to understand how you intend for this to be enforced. Because you did say it was going to be determined just by looking at someone. That's a slippery slope. That's very dangerous.

ORR: If a woman is using a bathroom and she feels like the policy that has been established—that is, established—is not being followed—

J. GONZÁLEZ: Back to my previous questions. Will it involve violating someone else's body through a strip search in order to make that determination—in order to determine what somebody's sex is?

ORR: No, it will not.

J. GONZÁLEZ: Will somebody have to produce their birth certificate or some kind of official documentation? Because you did mention that your birth certificate and your driver's license has your sex on there. So will somebody have to carry it with them every time they go to the restroom if they get questioned?

ORR: I don't anticipate that being an issue.

J. GONZÁLEZ: Well, I mean, it is an issue. It has happened to me personally in this very building just because I have short hair and I'm wearing a pantsuit. So you cannot tell me this is not going to happen because it does. It does in fact happen because you're basing it on someone else's appearance.

ORR: There's nowhere in this bill, and there's no provision in the law, that puts forth that the person that shouldn't be in the opposite-sex bathroom is ever identified.

J. GONZÁLEZ: Well, you're making it the law, though.

REPRESENTATIVE ZWIENER: I want to continue on Representative J. González's line of questioning. I'm looking at page three of your bill, lines 21 through 24. And what that says is, "a political subdivision or state agency shall take every reasonable step to ensure an individual whose sex is opposite to the sex designated," et cetera. What I want to understand, and I think what Representative J. González is trying to understand, is what does "every reasonable step" encompass? Because that's very broad language. Can you shine some light on "every reasonable step" for me?

ORR: I think it goes back to the previous question that was asked when it was asked about schools, family violence shelters, or here at the Capitol. I think it's going to vary—the policy is going to vary depending on the circumstances in which agency you're dealing with. Obviously, for a prison the standards are going to be different than they might be here at the Capitol.

ZWIENER: I don't think this language applies to prisons. You have different language for that, and I don't think it applies to family violence shelters. This is the language that's specific to political subdivisions and state agencies. Who gets to decide in the end what "every reasonable step" means? Who gets the final decision on that?

ORR: The political subdivision and the state agency have the authority to write their policies and decide what that's going to be for each of them.

ZWIENER: And what happens if a member of the public disagrees with that policy and doesn't think it's sufficient?

ORR: They have a recourse. I'm glad you brought that up.

ZWIENER: Okay. So what is that recourse?

ORR: They let the facility or state agency know that they don't think their policy is being upheld. They have three days to cure it. If they don't cure it, then that resident of the State of Texas goes to the attorney general, files a written affidavit that needs to be signed, and then the attorney general starts his investigation. The investigation, after it's complete, the state agency or political subdivision is going to have 14 days with no fines until a finding has been made and then move on from there.

ZWIENER: So the AG gets to decide what "every reasonable step" means?

ORR: No.

ZWIENER: That's what it sounds like if the AG gets to go override any particular political subdivision or agency.

ORR: The AG will not override that agency. It's going to make sure that they have a policy in place and whatever that policy may look like was not enforced correctly.

ZWIENER: But if the AG says, "You're not taking every reasonable step," they can try and force that agency or political subdivision to change their policy, correct?

ORR: I would say a complaint investigation by the attorney general's office might influence state agencies to change their policy.

ZWIENER: Okay, but it is not the state agency, the school district, or the city that gets to decide what the policy is for the park bathrooms—it's the AG. Or alternatively, there's another way this can be enforced by private citizens, correct?

ORR: That's right.

ZWIENER: So individual private citizens can bring a lawsuit to sue a political subdivision or a state agency. There's no cure period for that; they can just simply sue and seek a lot of money per violation. So for that case, it would be whatever court they sue in that gets to decide what "every reasonable step" means?

ORR: I think the definition, legally, of "every reasonable step" includes "fair, sensible, and ordinary."

ZWIENER: Where does that legal definition come from?

ORR: I think that's a standard by which we operate. Do you—

ZWIENER: I am not familiar with that definition in any legal context. That doesn't mean it doesn't exist, but I'm earnestly asking where that comes from. Usually we hear things talked about as a "reasonable standard," not "every reasonable step." That's much broader language than what we typically see, and either way, that would have to be argued about in litigation for months. Don't you agree?

ORR: I don't think so.

ZWIENER: I mean, this is why we're concerned that this language could lead to a city saying, "I'm going to get hounded by the AG unless I have a driver's license scanner at the door to the park bathrooms." Does that concern you?

ORR: That does not concern me.

ZWIENER: Well, would you be open to some language to try and clarify that "every reasonable step" doesn't include things like genital checks and needing to show your ID in order to enter the bathroom?

ORR: No.

ZWIENER: Are you aware that there's a history of certain political subdivisions getting targeted by the attorney general again and again?

ORR: I'm not advised.

ZWIENER: Do you think that if that is true, that might turn into some political subdivisions feeling like their only option is to just close public bathrooms at places like parks?

ORR: I don't believe that will happen.

ZWIENER: Have you visited with any of these political subdivisions about that worry?

ORR: Well, I'm glad you brought that up because a while ago you mentioned that TDCJ is not covered—or that they're in a separate part of the bill—and I would argue that they fall also under the political subdivision rules.

ZWIENER: Probably a state agency, not a political subdivision.

ORR: Fair. But yes, I have talked to several, including TDCJ.

ZWIENER: Which political subdivisions have you visited with about the impact this bill might have on them?

ORR: TDCJ.

ZWIENER: TDCJ is a state agency. A political subdivision would be a school district, a city, or a municipal use district. Have you visited with any of those?

ORR: I have not.

ZWIENER: So I would parse it that I think there are substantial concerns and that maybe we should give them some protection to not be targeted by the AG or by this private cause of action. So coming to that—why do you think the AG enforcement mechanism in this bill is not sufficient and that you also need a private cause of action for individual citizens to harass political subdivisions?

ORR: The private cause of action is in place for people that don't fall under that "resident of Texas" language. So if you're here visiting, you're not a resident of Texas, and you think this policy is being violated here at the state Capitol, you still have an avenue.

ZWIENER: Oh, so people from any state in the nation or another country even could come and bring litigation in the State of Texas to try and collect money from our political subdivisions?

ORR: If the rules are broken, then yes, I suppose that is possible.

ZWIENER: But again, we don't have any clarity in these rules, do we? We're just saying "every reasonable step." So how is a city, a county, or a school district to know if they are following or breaking these rules?

ORR: I think it's pretty common sense.

ZWIENER: Well, once again, how are we going to determine if a city is adequately vetting who enters the bathroom at their parks?

ORR: It's not about that. It's about the city maintaining a policy where we have some assurance that our bathrooms will be private for women.

ZWIENER: Representative Orr, your bill does not require them to have a policy. It requires them to take every reasonable step. If you want this bill to say "has a policy to ensure," that is very different language, and I would support that amendment wholeheartedly. Will you take that amendment?

ORR: No.

ZWIENER: Okay. So that is not what your bill says. Your bill says "take every reasonable step." So how is the city supposed to know? Do we need to go through three years of litigation to determine what "every reasonable step" means?

ORR: If that's what it takes to get it done, then yes.

ZWIENER: Well, I would pause that it might be better to offer a little more clarity. I want to come to another question, which is this question of sex discrimination and certain people getting punished for not dressing the way people believe they should. I've got Tweets from members of this legislature calling Megan Rapinoe a man for having short hair and an athletic build. How are cis women with short hair and "athletic builds" not going to end up harassed because of this bill?

[Amendment No. 1 by Anchía was laid before the house.]

REPRESENTATIVE ANCHÍA: I invite all of those who care about the safety of women to join me up front.

Members, I stand here before you today as a Christian, the father of two daughters, and a proud and very protective husband of an amazing wife. I lament the fact that we're debating an unnecessary and unpopular culture war talking point—yet another bathroom ban. For those of you who are libertarians out there or have a libertarian streak like I do, if you just look at the first page of the bill, it talks about the regulation of individuals in certain spaces. This bill is a perversion born out of GOP big government. And it's going to hurt women and not help women. The 15 million girls and women in the State of Texas will be forced to go to the bathroom with men. And that, ladies and gentleman, is a perversion.

Even though we thoroughly debated the bathroom bill in 2017, and it was defeated twice in the regular session, and this special session we find ourselves back to beat a dead horse on the request of really no one. It's been eight years since we banished this perverse bathroom bill, and there have been zero crimes committed in the State of Texas that this bill would seek to remedy. Zero, nothing, nada, zilch. And I know this because I've talked to police chiefs, and we have heard from police chiefs from Dallas, San Antonio, and Houston and from law enforcement organizations across Texas who have all testified against the bathroom bill, telling us exactly this: They have found no known crimes of bathroom assaults performed by men posing as transgender women. Zero, zilch, nothing, nada. And guess what? We're nearly a decade later since we buried what we thought was the end of the bill. But this zombie perverse bathroom bill keeps coming back, and we still have no examples of any crimes in the State of Texas. So one may ask, as responsible legislators who listen to our police chiefs, "What are you trying to address? What criminal justice concern is at play? Wouldn't it be important to actually determine crimes that were committed before, as the bill says, regulating individuals?"

This bathroom bill does not solve the most basic test of any public safety bill. It does nothing to make my wife or daughters any safer. In fact, it creates a whole new host of complications for our already overworked law enforcement officers. And I made it a point to let you know that I stand up here as a Christian, because we've heard from hundreds of religious leaders across this state who oppose this bathroom bill and have continued to call on us to act within one of the most sacred teachings of Jesus Christ: Love thy neighbor. Bishop Erik Gronberg of Fort Worth said, "Faith should not be used as a weapon; instead, it should inspire us to see the humanity in every person and remind us that we are commanded to love and care for our neighbor." Whether intended or not, the consequence of the proposed bathroom legislation will be to imperil and ostracize some of our most vulnerable brothers and sisters by shining a light on their otherness.

Finally, members, this is bad policy for business. As many of you know, I'm a business owner. We have 50 employees. We have had over 1,000 businesses testify against the bathroom bill—from Fortune 500 companies to medium and small businesses like mine across the State of Texas. Texas Competes, a business

coalition of more than 1,500 employers in Texas, has yet again provided written testimony on behalf of all of those businesses who continue to oppose this perverse bathroom bill. They have said, "The Texas business community strongly opposes efforts to pass discriminatory, unnecessary, and anti-LGBT legislation in Texas. That is bad for our employees and bad for business. The bill puts people at risk for harassment, sends a signal that Texas isn't open to everyone, and is opposed by law enforcement officials who say it will cause harm and will make their job more difficult. We urge you, Texas officials, to shelve this bill and prioritize legislation that will help keep Texas competitive and help it thrive."

Members, that's a big problem with this bill. Texas is the eighth largest economy in the world and the number one exporter of the 50 states in the United States, in the middle of the North American continent—the number one trading block in the world—and we are going to be hosting World Cup events, champion tournaments, PGA tournaments, and international events. This bill, apart from being perverse, sends a perverse signal to the rest of the world. A bathroom bill puts a target on visitors' backs who fly into our airports just because they look different. And those who attend sporting events at convention centers and other public buildings are at risk of being attacked by self-appointed "genital checkers." And I don't want that for my wife, I don't want that for my daughters, and I don't want that for any Texas man or woman.

Who should decide that a person is not a woman and want to see proof? Well, this big government bill puts the state in that role and calls balls and strikes on who should be where and when. So members, on behalf of my family, on behalf of the 15 million women and girls in this state that will have men forced to be in the same bathroom as them, I ask you—I beg you—please reject the perverse outcomes of this bill. It is bad for Texas. And I want to thank every person—every person—that came to testify: those that were heard and those who were turned away from the House of Representatives. I want to thank them, and I want to let you know we see you, we hear you, and we are with you.

J. GONZÁLEZ: Representative Anchía, you serve on the House Committee on State Affairs.

ANCHÍA: I do.

J. GONZÁLEZ: Were you present for the State Affairs hearing on the 22nd of this month?

ANCHÍA: I was.

J. GONZÁLEZ: So you recall being presented with **SB 8**?

ANCHÍA: Yes.

J. GONZÁLEZ: Can you tell us a little bit more from your perspective? Tell us a little about how the hearing went—how long it lasted and things of that nature.

ANCHÍA: It lasted about two hours. We had an initial layout and questions from the bill author, and then, subsequently, the members of the State of Texas—our friends and neighbors—came to testify. We wanted to hear from members of the public. Regrettably, testimony was cut off after two hours, and there were about

500 people who were registered for the bill. So many people did not get to say their piece, did not get to speak truth to power, and for many it was heartbreaking to not be heard.

J. GONZÁLEZ: Even your line of questioning at the closing was cut off, correct?

ANCHÍA: I seem to recall that.

J. GONZÁLEZ: So why do you believe that the layout of this bill was only limited to the two hours—that the two hours including the layout and also the closing of the bill, not just for testimony?

ANCHÍA: I'm not sure, but certainly people were not heard. People that had a lot to say. Women wanted to talk about the perverse outcomes of this bill that men would be forced to go to the women's bathroom because of it. We had other people who wanted to talk about it from a faith perspective, and they were unable to testify. And yet others who see this as an anti-business, big-government bill.

J. GONZÁLEZ: Do you remember when one man during the hearing—who was giving testimony—threatened violence against members of the trans community during the actual testimony who were there waiting to testify?

ANCHÍA: It's regrettable. I caught the tail end of it.

ORR: I respectfully—

ZWIENER: Representative Orr, is it your intent to support or oppose this amendment?

ORR: I am going to move to table this amendment.

ZWIENER: So Representative Orr, this amendment is striking the enacting clause, so I want to have a little bit more general conversation about the bill and the issue of sex discrimination that you and I started to talk about. As we discussed before, your bill says, "a political subdivision or agency must take every reasonable step to make sure people of the opposite gender don't enter the restroom." How do you think that's going to impact cis women who have a more traditionally masculine presentation or vice versa—cis men who have a more traditionally feminine presentation?

ORR: I do not have an opinion on that.

ZWIENER: Are you concerned at all that somebody who—people might be unsure of their gender or might make a guess about their gender and guess wrong—might be confronted in restrooms because of this legislation?

ORR: I do not have a concern about that.

ZWIENER: Representative Orr, how do you think your legislation is going to impact intersex people?

ORR: As I understand it, intersex people have their sex determined at birth, or quickly thereafter, perhaps by a doctor, medical testing, or genetic testing.

ZWIENER: Representative Orr, I regret to inform you that intersex people don't find out their sex until they try to have children and are undergoing fertility testing to discover why. Your definitions are "female means an individual who naturally has, or will have, a reproductive system designed to produce, transport, and provide eggs for fertilization." Are you aware that there are intersex people who meet neither your definition for female nor male just naturally as they're born?

ORR: The definition provided in this bill accounts for anomalies, so I think that would cover your concerns.

ZWIENER: So a person who has the chromosomes XY and has undescended testicles but has androgen insensitivity syndrome—that person, who would present as female to most of us; most of us would look at that person without any medical intervention and guess that they were a woman—how is that person impacted by your bill? Which restroom is that person with XY chromosomes and testicles but an entirely female presentation without medication—what bathroom do they go to?

ORR: Well, I think if they're having a hard time deciding, maybe look at their driver's license themselves.

ZWIENER: But your bill doesn't define it by driver's license. It defines it by reproductive system, correct?

ORR: Yes. You asked me how they would know.

ZWIENER: Okay, but could you understand how a person with that kind of presentation may feel scared by your bill and unsure of what to do?

ORR: I do. I also understand that school-age girls don't need to be exposed to boys who are easily identifiable as a male in their locker rooms, their showers, or their school bathrooms.

ZWIENER: Let's talk about that. We had an incident in my, now former, district. But in Dripping Springs ISD, a third grader became part of a lighting rod thanks to Texas Values and other advocates, and this third grader was a trans girl. All of her friends only knew her as a girl. What would it mean for her to be walking into the boys' restroom because of a bill like this? Is that going to make students more comfortable?

ORR: I believe in that case maybe a multiple occupancy private space might not be the best solution.

ZWIENER: So what if they are in a space that does not have any single occupancy restrooms? They're out at a public park. Do you want that little girl who everyone in the world is going to look at and assume is a little girl and not ask questions about what her anatomy underneath her clothes looks like—do you want that little girl in a public park to have the choice between peeing in the woods or going into the men's restroom?

ORR: This bill addresses a policy to protect biological women and girls. I acknowledge your point, but the bill—you have to have a policy and someone has to make a complaint. I don't subscribe to the path you're going down.

ZWIENER: Okay, so on the other side of that—trans men. Many trans men who have had hormone replacement grow beards and develop Adam's apples. You and I may know some people who are trans men, but we have met people in our lives that we would never guess are trans. Is it going to make cis women and girls comfortable to force those men to choose the women's bathroom?

ORR: I think what would make the majority of women and girls in this state comfortable is an assurance that when it says "female" on the bathroom door and it has a multi-occupant space, that we can go in with the assurance that a man knows that he has no place in there.

ZWIENER: Who do you think is more uncomfortable in the bathroom today, a cis woman or a trans woman wondering if she's about to be harassed?

ORR: I am not advised.

ZWIENER: Are you aware that there have been substantially more documented instances of trans people, or cis people who people think are trans, being harassed in bathrooms than trans people harassing the other people in the bathrooms?

ORR: The preference of someone's sexual appearance does not override the safety and privacy of a biological female.

ZWIENER: What about their personal safety? Are you aware that in 2024, the Trevor Project found a link between youth suicidality and legislators passing legislation exactly like this?

ORR: I am not.

ZWIENER: Does that make you pause at all that there are kids, teens, and young adults watching what we're doing today and questioning whether or not they should stay alive?

ORR: I would not want anyone to feel like they were less than.

ZWIENER: If that's the case, could we have a conversation on how to put some safeguards in here so that we're not hurting young people? Could we talk about some language that makes those people feel safe?

ORR: I think most of these issues are going to be decided by the people who make the policy at the agencies. And if not there, then it will be decided in court.

ZWIENER: As we discussed, it's going to be in different courts. So that little girl I mentioned to you who became a lightning rod in Dripping Springs ISD, would it surprise you to know that she and her family literally fled the State of Texas because of the bills we passed?

ORR: I am not aware.

ZWIENER: Would it surprise you to know that I have more constituents that I can't count on one hand who are trans and have reached out to me about how they have to leave the state because of the laws we've passed?

ORR: I am not advised.

ZWIENER: Would it surprise you that one of my constituents this year is moving before September 1 to avoid our laws going into effect?

ORR: Well, we'll be joining 19 other states, so perhaps he should avoid one of those.

ZWIENER: Is it your intention to run trans people out of the State of Texas?

ORR: No, just out of the bathroom.

ZWIENER: So where should trans people use the restroom?

ORR: The bathroom assigned to their sex.

ZWIENER: Is it your intention to force people to detransition or scare them out of transitioning at all?

ORR: That has nothing to do with this bill.

ZWIENER: I think it does because you're forcing people to walk into a bathroom where they're going to feel unwelcomed because they've transitioned.

ORR: I'm not forcing anyone to walk into a bathroom.

ZWIENER: Okay, so hold it all day? What's the option?

ORR: We have family bathrooms; we have private-use bathrooms—

ZWIENER: In some places. And I'm going to tell you a lot of trans people choose those to avoid the exact type of harassment your bill encourages.

ORR: Good.

ZWIENER: But what about that place that only has multiple occupancy restrooms? What does that person who presents as the gender that they identify with—where do they go without getting harassed and potentially even attacked?

[Representative Orr moved to table Amendment No. 1.]

ANCHÍA: It is custom in this body to pray to Jesus Christ every morning before we begin a new session. And I know that even though ecumenical faith traditions are represented on this house floor, we all stand together, and we say a prayer. Oftentimes that prayer ends with "in the name of our Lord and savior Jesus Christ."

As a Christian, I want to refer to an important passage in Galation. That's Chapter 3:28: "There is neither Jew nor gentile, neither slave nor free, nor is there male and female, for you are all—for you are all one, for you are all one—in Jesus Christ." And I know my profession of faith may be offensive to some of you, because it is my faith. It is my faith. And for those of you who pray in the morning alongside me, I'm sorry that my profession of faith offends you, but it is mine; it is not yours. I will also, for those judging me, I will also offer Matthew 7:1-2: "Do not judge, or you too will be judged—you too will be judged—for in the same way you judge others, you will be judged." And for those who judge and heckle, the verse finishes with "the measure you use," Congressman. "It will be measured to you." Heed those words when you heckle, when you deride, and

when you stand up and speak ill of someone professing their faith in the name of the Lord Jesus Christ—heed those words. And I'm sorry the Bible offends so many. I'm sorry it caused the holy spirit and my profession of faith caused one to get out of their seat and speak ill, but I want to let members know that you do not own God. You do not own Jesus. When I profess my faith full of the holy spirit, Mr. Speaker, I would prefer not to be heckled by someone who does not have the floor. Can you admonish that man to please stop yelling at me?

Members, I ask that you oppose this perversion of a bill that makes my family less safe, that offends—that offends—sensibilities of individual liberty. Thank you, Mr. Speaker. Some people have difficulty when you speak the word of God to them: truth to power. So members, for public safety reasons, for business reasons, for reasons of faith and conscience, I ask that you oppose this bill, and I ask that you stop this perversion of a bathroom bill in Texas.

REPRESENTATIVE BERNAL: Brother Anchía.

ANCHÍA: My brother.

BERNAL: I'm going to ask you a few questions about the bill.

ANCHÍA: Please.

BERNAL: Does the bill prevent someone with a record of rape or sexual assault from using a public bathroom?

ANCHÍA: It does not.

BERNAL: Does the bill prevent someone who is on the sex offender registry from using a public bathroom?

ANCHÍA: Curiously, it does not.

BERNAL: I agree. You know that I have a young daughter.

ANCHÍA: I do.

BERNAL: Who is under the age of nine, which is the age listed in the bill, correct?

ANCHÍA: I do.

BERNAL: Are you aware that under the bill she is allowed into the men's restroom if I go with her? And I don't know if people need an education on what the men's restroom is like in public places, but it's certainly not the kind of place you would want to take a little girl.

ANCHÍA: Correct.

BERNAL: Are you aware that under the bill, I could not take her to the women's restroom?

ANCHÍA: Even if it was empty. Even if you knocked in advance and said, "Is anybody here? I have my daughter with me, and I simply want to take her to go to the bathroom and help her because she's little." Even in doing that, because this bill is such a perversion, you would be in violation.

BERNAL: Even if she didn't need help, but I just felt the right thing to do was go. What we normally do is I might ask someone coming out if it's empty, or if I can tell there are a few people, I might have her peep her head in and ask if it's okay that I go. But under the bill I would have to take her to the men's restroom. Subjecting her to exactly what I don't want her to see that's not age-appropriate versus me accompanying her to the women's restroom, even if it's empty, because that is safer and more sanitary. So a little girl can, or has to go, to the men's restroom with their dad, but they can't go to the women's restroom accompanied by their dad. And if we're talking safety—if someone is a convicted rapist, someone has been convicted of sexual assault, or someone is on the sex offender registry—there is nothing in here about them and their access to any restroom. It is just this, is that correct?

ANCHÍA: That is absolutely correct. And I see people shaking their head, but you make a very valid point. I will just add one more thing. I know for some in the audience this may come as a shock, but in public places, I have observed women—instead of standing in long lines at a concert or a football game—actually come into the men's bathroom because the line was shorter. This, too—because this bill is an abomination and a perversion—would hold her in violation.

REPRESENTATIVE BUCY: Representative Anchía, I want to pick up from where you and Representative J. González left off. You were answering her question, and this body, breaking its own decorum, voted not to extend your time. If you remember, at the time she was asking you, "Do you remember when one man threatened violence against members of the trans community during actual testimony of this bill in committee?"

ANCHÍA: Yes. Some people just don't like democracy. They like dominion, and I think you saw an example of that earlier. Certainly, cutting people off when you don't want to hear what the public has to say is an example of that. So your point is well-taken.

BUCY: What do you think this person's testimony and violent rhetoric says about this bill, the debate around this bill, and the intent behind this bill?

ANCHÍA: Well, I'm not sure. I'm not going to judge the intent of the author because I do believe the author is a good person. She has always treated me with a great deal of respect. So when I say this is a perversion, I don't mean to malign the intent of the author at all. I simply say the bill. I speak to the bill, the words on the page, and the effects that it will have. So I'm not sure about the intent, but I do know the effect. The effect is to make people less safe. The effect will be, just as we saw in committee, for people to experience violence. And not just trans people, people who look different. It has been the case—

[The motion to table prevailed by Record No. 111.]

[Amendment No. 2 by Goodwin was laid before the house.]

REPRESENTATIVE GOODWIN: In the layout, the author was talking about how this was just policy and that local municipalities and counties can set their own policy. But really, they don't have the choice to set their own policy. It's a policy about having separate bathrooms, and many of these municipalities have already made accommodations within their buildings. I understand that in the hearing there was testimony from some of these local officials. So this amendment is about keeping government closest to the people it serves. It gives local governments the ability to adopt a resolution or policy opting out of the bill if they decide it does not fit their community, so setting their policy, just like the author was talking about.

The idea is straightforward. Every community is different. Local leaders are directly accountable to their voters, and they are best positioned to decide what works for their schools, their counties, and their cities. This amendment does not change the framework of **SB 8**, it simply ensures that enforcement is not forced on communities that choose another path. And if voters disagree with that choice, they can hold their local leaders accountable at the ballot box. Our constituents elect local officials to make these decisions. This amendment respects that process and keeps authority where it belongs: with the people and the leaders closest to them.

Members, all of us have city officials and county officials in our districts. And over the last few days, I bet a lot of them have been reaching out to you just like they've reached out to me over a bill that we passed that really hamstringing their ability to set their budgets. I haven't had a single one reach out to me to say we need this bill to pass—we need **SB 8** to pass. In fact, this bill is going to cost money after we have just cut down how much our cities and counties can spend. This is going to cost them money. With that, I will take questions.

REPRESENTATIVE GERVIN-HAWKINS: So Representative Goodwin, you make a great point in terms of every jurisdiction developing different strategies. Since our colleagues have been talking about this issue ongoingly, folks have made many, many modifications. I've seen situations where now there's one door, and on that one door you may see a male, female, male/female, or whatever. Based on your understanding of this, would that entity be in violation because there's not a major separation?

GOODWIN: I believe so. And I believe they're going to have to change those plaques that they have indicating who can use what restroom. That's going to cost money, but it's also going to cause a lot of confusion. Really, what I've heard from local leaders is that this is not a problem. They have not had any complaints about bathroom issues; that's the least of their problems. And now, we're making it a problem for them.

GERVIN-HAWKINS: I want to be clear also—we're talking about municipalities and school districts. So that's cities and counties. Would this impact the universities also?

GOODWIN: Yes, I believe so. Public universities.

GERVIN-HAWKINS: Public universities. So almost anybody who's accepting public money?

GOODWIN: Yes.

GERVIN-HAWKINS: And that's why it impacts the school districts?

GOODWIN: Right.

GERVIN-HAWKINS: We've been flexible on allowing people to develop their own, we'll call it, "gender-based restroom plan," okay? Those amenities now get thrown out the door, and now we've got to start all over again.

GOODWIN: That's right.

GERVIN-HAWKINS: One of the things I heard from the bill author was that it was about safety, and she made the reference about a biological male being in the women's bathroom. Don't each of those bathrooms have stalls?

GOODWIN: That's right. Yes, if it's a multiuse bathroom, by definition it has stalls for privacy, so I don't understand what the problem is. I'm glad you brought up safety because when you talk to people—you know, I talk to my daughter about safety in school. Now, it's been a little while since she graduated from high school, but her concern wasn't around bathrooms and who was going in the bathroom. Her concern was about school shooters.

GERVIN-HAWKINS: So you really believe it's a solution looking for a problem?

GOODWIN: Absolutely.

GERVIN-HAWKINS: Thank you, Representative Goodwin. I think this is a great amendment because it enhances what people are already doing. They're working their best to make this happen. And it will truly be a burden, wouldn't you agree, asking them now to do something altogether different?

GOODWIN: Yes, I agree. It would definitely be a burden—time and money.

GERVIN-HAWKINS: I'm going to support this amendment because I think it's an awesome amendment allowing people to work with their existing infrastructure.

ORR: I think women and girls across the state deserve safety and privacy. I move to table.

[Representative Orr moved to table Amendment No. 2.]

GOODWIN: Members, I ask: What have you been hearing from your cities and counties about this issue? If you're not hearing about it, it's probably not a problem. And now we're going to be costing them time, money, and resources. Let's leave it to our local officials to make decisions to set the policy that works in their communities.

[The motion to table prevailed by Record No. 112.]

[Amendment No. 3 by J. González was laid before the house.]

J. GONZÁLEZ: This amendment is simple but an essential one. It creates a private cause of action for those who are wrongfully harassed or removed from a bathroom. The goal is to give the ability to hold harassers accountable to those who are targeted and humiliated simply because of their appearance, their height, or how they are perceived. This happens all the time, especially to women with short hair, like myself, or anyone who doesn't fit the mold of what a woman is supposed to look like. This amendment includes a critical layer of protection by creating—

[Representative Little raised a point of order against further consideration of Amendment No. 3 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane. The point of order was withdrawn.]

[Amendment No. 3 was withdrawn.]

[Amendment No. 4 by Rosenthal was laid before the house.]

REPRESENTATIVE ROSENTHAL: Members, this amendment seeks to ensure equality for intersex individuals who might be unintentionally impacted if this bill actually passes. Intersex communities are often overlooked and marginalized by this body. These are naturally occurring conditions for people just trying to live their lives. This amendment writes in explicit exclusions for individuals with intersex conditions by listing and defining these particular conditions within the bill. The intersex community is one that is often forgotten about in bills that seek to target transgender communities. By naming these various intersex conditions and carving out exclusions, this amendment will stop the bill from adversely affecting intersex communities who are not the explicit target for the bill.

REPRESENTATIVE HINOJOSA: Representative Rosenthal, your amendment—what does it do specifically for intersex individuals as you laid out?

ROSENTHAL: It lists specific conditions that will be exempted from the bill language, so those people won't be unfairly or ignorantly persecuted.

HINOJOSA: Okay. And what does the bill currently say? Does it have guidance for intersex individuals whose biological sex is neither male nor female?

ROSENTHAL: I believe the bill has no language about intersex individuals in it.

HINOJOSA: Does it say what the agency, the municipality, or the county is supposed to do when it comes to intersex individuals?

ROSENTHAL: No, it does not. It's a very good question.

HINOJOSA: Why is this amendment needed?

ROSENTHAL: Because the bill's definition of sex—as misguided as this entire effort is—the bill's definition of sex excludes intersex individuals. It makes no mention about them at all, so there's currently no guidance for intersex individuals regarding bathroom usage.

HINOJOSA: Yet intersex individuals exist, do they not?

ROSENTHAL: They exist. These are conditions that occur naturally. For those of you who are religious, it's part of God's creation. And a lot of times, these people don't even know themselves that they have these conditions until later in life when they're tested for other reasons.

[Representative Orr moved to table Amendment No. 4.]

REPRESENTATIVE COLLIER: Representative Orr, are you going to move to table, or are you going to do an up or down vote on the motion?

ORR: I'm going to do a motion to table.

COLLIER: So then, my question deals with page one of your bill because the amendment was dealing with intersex individuals. So on page one of your bill it talks about—on line 21, female. It says, "female means an individual who naturally has or will have, or had or would have but for a congenital anomaly or an intentional or unintentional disruption." What does that mean?

ORR: An intentional or unintentional disruption would be like a hysterectomy or some surgical change.

COLLIER: Surgical change. What kind of surgical change?

ORR: That would affect their ability to produce eggs.

COLLIER: Okay—ability to produce eggs. So an intentional or unintentional disruption means a surgical change that would affect their ability to produce eggs. That's what you mean by that?

ORR: That's how I read it, yes.

COLLIER: Okay. And then, what does "congenital anomaly" mean?

ORR: I'm glad you brought that up because I was going to say, about the amendment at hand, that I believe that these conditions are considered in that bill language already for congenital anomalies.

COLLIER: So you would accept it then if you believe your bill already has an exception for intersex individuals?

ORR: I do not intend to accept it, but I do believe the bill covers that.

COLLIER: Okay. So the bill has an exception already for intersex individuals. They are not prohibited from using the bathroom of their choice?

ORR: They are to use the bathroom of their sex.

COLLIER: But which one, if they're intersex?

ORR: The one that's on their driver's license or birth certificate.

COLLIER: What would that look like?

ORR: Their driver's license or birth certificate?

COLLIER: Does it say one or the other?

ORR: In the State of Texas it does, yes.

COLLIER: Since when?

ORR: Mine's been there for 56 years.

COLLIER: I'm sorry?

ORR: Fifty-six years for myself.

COLLIER: Are you intersex?

ORR: No, I am not.

COLLIER: Well, I thought we were talking about intersex.

ORR: I'm sorry, I thought we were talking about driver's licenses.

COLLIER: Well, you said your driver's license, but I'm asking about someone who is intersex. Does it have one or the other?

ORR: Yes.

COLLIER: It does? Since when?

ORR: I would think since they got a driver's license—in the case of their driver's license or their birth certificate on or near their birth.

COLLIER: Okay. So then if someone is born sterile, where would they fit within this? Are they a female still?

ORR: I don't think the amendment is going to address that.

COLLIER: I'm sorry?

ORR: I don't think this amendment that's before us addresses the issue that you're asking about.

COLLIER: About intersex?

ORR: About being sterile.

COLLIER: Okay, so you don't think that this amendment addresses that, but you feel your bill already provides protection for individuals who are intersex?

ORR: It addresses those concerns, but only in the vein of being male or female.

COLLIER: The congenital anomaly—is that the only part that you believe is about intersex? Is that what that means? Intersex?

ORR: I think it applies.

COLLIER: What else does it apply to?

ORR: I think we need to stick to the amendment on this.

COLLIER: Well, I'm just trying to make sure. If the court is—

CHAIR (Landgraf in the chair): The chair will remind the member at the back mic to confine the questions to the amendment that's before the house.

COLLIER: Absolutely. So if the court is going to interpret—because you're saying that this means intersex—if the court is going to interpret "congenital anomaly," is that the only condition that you're attributing to "congenital anomaly"?

ORR: That's going to be up to the courts to decide. That is not my decision.

COLLIER: So if the court were to evaluate your bill to consider whether intersex is included, are you directing them to refer to the words "congenital anomaly" to have that individual included in this provision?

ORR: I'm not advised.

COLLIER: You're not advised. Okay.

ROSENTHAL: This bill would be bad enough without this. But it does not seek to marginalize these people who occur the way that they are naturally. They are the way that God made them, literally. Please don't punish our intersex communities just for being born, literally, the way that they are. I urge you to vote no on the motion to table.

REPRESENTATIVE MANUEL: I was going to ask this of the author, but I'm going to ask this of you because you have this amendment. Are you aware that, out of the 50 states, not all of the states have a gender marker on their driver's license?

ROSENTHAL: I was not aware of that.

MANUEL: So out of these 50 states, if someone was to come from out of state and they don't have a gender marker on their driver's license, if I'm understanding your amendment, it would open them up to a genitalia search. Is that your understanding of why you're putting up this amendment? To make sure to protect intersex people?

ROSENTHAL: So the amendment definitely protects intersex people. I think folks who would advance legislation that would lead to genitalia searches should really have a look in the mirror and examine what it is they're trying to accomplish with that legislation.

MANUEL: Are you aware that not every parent chooses to have a surgery on their child when they're growing up until they have reached a certain level of puberty? And some people don't ever change what their anatomy is. If they are born—people who are intersex, they have both genitalia.

ROSENTHAL: That's a really good question, and I'm glad you asked it. Because not only am I aware of that, I'm also aware of intersex people whose parents chose a sex for them where, as they grew up, it did not align with their makeup, with their bodies, with their physio-identity. So I don't know about you, but I would be really upset if my parents had me surgically altered as an infant to change me from the way that God made me without my consent and before I knew anything about it. In the intersex communities that I talk to, this is a major complaint among those who had gender assigned shortly after birth when they exhibited intersex symptoms.

MANUEL: Do you know that people who are intersex, and not to conflate them or devalue them, are about as common as people who are redheads in this country—which, some people say gingers—but people who have red hair?

ROSENTHAL: It may be so. I've seen similar statistics. I would point out, as I said earlier, that sometimes people are born intersex and they don't even know it. They're not aware until later in life. Maybe they're trying to have children, and they are having difficulty with that; and get fertility testing. So we want to make sure that these humans have the same rights as anybody else.

MANUEL: Okay. And lastly, this is my question because I do understand that some people are not aware that they're intersex, but there are people who are aware that they are intersex from childhood because their parents are very much "this is just who you are." What I was wanting to ask of the author is—and I think your amendment, in my opinion, is trying to fix it, and you can tell me if I'm wrong—is what happens to a child and/or adult who has genitalia that is presenting of both male and female visibly? What happens in that situation? Because that is realistic, whether people want to believe it or not. What would happen from your interpretation of this bill if we don't add your amendment on if a person has two very visible male and female genitalia and they're trying to use a public bathroom in Texas if this bill is to go into law without your amendment?

ROSENTHAL: They would certainly present a quandary for the political subdivision who's charged with enforcing a, basically, unenforceable mandate.

[The motion to table prevailed by Record No. 113.]

[Amendment No. 5 by V. Jones was laid before the house.]

REPRESENTATIVE V. JONES: This amendment is a critical addition to the bill—the bill that is called the Women's Privacy Protection Act, yet it offers zero privacy provisions in the current bill. This amendment does exactly what the bill claims to do—protect the privacy of Texans.

This amendment adds strict guidelines for a state agency or political subdivision when reviewing a potential violation of this bill. These guidelines are commonsense approaches meant to protect all Texans from degrading, humiliating treatment. This amendment simply states that these agencies should adopt a uniform policy for conducting searches. They must obtain a warrant in order to conduct a search, unless these searches are in a secure location, and they cannot require any person to expose themselves in order to prove their gender. The second half of this amendment protects medical records, court orders, and birth certificates from being used as a form of investigation either by the agency or by the attorney general.

If we really want to protect the privacy of women—of all Texans—then we should always strive to keep them from being subjected to invasive searches or having their medical records weaponized against them. My amendment just clarifies that every Texan has dignity and should be respected in every step of that process. I urge members to vote yes on this amendment to protect the privacy and dignity of all Texans.

J. GONZÁLEZ: In the way you read it, Representative Jones, does this bill currently detail any measures that could be used to protect Texans from an invasive search?

V. JONES: Absolutely not. There is nothing in this legislation that would prohibit an invasive strip search, the showing of identification, or other means to degrade or humiliate Texans.

J. GONZÁLEZ: Can you just explain to us what your amendment does in regards to privacy protections?

V. JONES: Absolutely. So number one, if you look on the amendment, it says, "an agency may not, in accordance with this bill, conduct or require a visual inspection of an individual's body with all clothing removed or require the individual to expose an individual's genitalia." It would also not require an individual to provide documentation regarding the individual's sex that contains personally identifiable information, including a court order for a name change, a birth certificate, or any other medical records. I think this is very important because, based on the argument that was made by the author, these things should not be done anyway, so we have to make sure that the protections are put in place to protect all Texans. I hope that that's something that we can all agree on.

J. GONZÁLEZ: So your amendment adds commonsense safety and privacy protections that the bill is lacking, correct?

V. JONES: That is correct.

J. GONZÁLEZ: Why do you feel that your amendment is important or needed as part of this legislation?

V. JONES: Because based on this bill, there's incredible concern for just people approaching folks and trying to get information or trying to get them to expose themselves in these public places. So we have to make sure that we're protecting the 31 million Texans from that happening when they go into a public restroom or facility.

J. GONZÁLEZ: Do you think it's vital that all Texans feel as though they can safely and comfortably use a bathroom without fear of a strip search? Let's say that is the measure of this policy since it's unclear on how it is going to be implemented.

V. JONES: Yes, absolutely. And I think that's why everyone should support this amendment. I think that everyone, when going to the restroom or any of our facilities, should be protected and not be harassed—not only by law enforcement, but just the average individual that'll be empowered by this legislation if they don't think that their gender matches what's on the door.

J. GONZÁLEZ: So it would lead to vigilantism and potty police. Is that correct?

V. JONES: Absolutely.

J. GONZÁLEZ: Are you aware of any instances, whether here or maybe in another state, where folks have been asked to expose themselves to prove that they were in the right restroom?

V. JONES: Absolutely. I've done work with the LGBTQ community for a great number of years and have heard a number of situations of harassment that has happened. I think this will continue to make that worse and continue to harass Texans regardless of their gender identity. It's just another harmful piece of legislation that we're putting forward this special session.

J. GONZÁLEZ: Thank you, Representative Jones. You know, I think it's important to provide those guardrails, right? So that people, again, don't take it upon themselves. I will be supporting your amendment.

REPRESENTATIVE J. JONES: Representative Jones, not related to me, I've got a question. Are you familiar with the Fourth Amendment?

V. JONES: Would you share it with everyone, please?

J. JONES: I will. You know the Fourth Amendment of the United States Constitution protects people from unreasonable searches and seizures and generally requires law enforcement to obtain a warrant based on probable cause before they can conduct a search. That's a bedrock principle in our democracy. So it seems to me that your amendment is trying to protect the Fourth Amendment of the Constitution. Is that accurate?

V. JONES: Absolutely correct, because there are no protections in this legislation that would possibly prevent someone or an agency from conducting a Fourth Amendment constitutional violation.

J. JONES: And without your amendment, could this bill allow warrantless or unreasonable searches, which might put the entire law at risk of being challenged in court?

V. JONES: The way that it is written, absolutely. But I would love to hear the author's perspective on that because that's a huge concern that's been shared several times since this bill has been laid out.

J. JONES: Does your amendment also make sure that when a search happens law enforcement follows their policies and uses safeguards like body cameras to protect both the officer and the individual?

V. JONES: We need to make sure that everybody's protected, not only with law enforcement but also the average individual. This vigilantism that we could see emerging from a bill like this is people just checking folks—trying to check people's gender at the door. That's totally unconstitutional and very illegal.

J. JONES: And would you agree that your amendment protects not only constitutional rights but also shields local governments from lawsuits about making sure private medical or identifying information isn't collected or shared unnecessarily?

V. JONES: Absolutely.

J. JONES: So in reality, your amendment doesn't weaken **SB 8** at all; it strengthens it by ensuring it complies with the Constitution and won't be overturned by the courts. Isn't that correct?

V. JONES: That is correct.

ORR: Motion to table.

[Representative Orr moved to table Amendment No. 5.]

V. JONES: Members, it's unfortunate that no amendments are being accepted right now when we are simply trying to protect all Texans. This is the proof in the pudding, and I hope that as we come forward with commonsense amendments, that you accept them.

[The motion to table prevailed by Record No. 114.]

[Amendment No. 6 by Zwiener was laid before the house.]

ZWIENER: Members, if you support small government and want to prevent government overreach, and if you support privacy and freedom, I expect you to vote yes on this amendment.

Members, this is the "free to pee" amendment. As many of y'all heard during my discussion with Representative Orr, the terms of this bill are incredibly vague. The bill says that a political subdivision or agency must take every reasonable step to keep someone from the opposite sex being in a bathroom or another multiple-occupancy private space. What my amendment does is very straightforward. It just says that reasonable steps cannot include the requirement for an individual to have to present photo identification to enter a bathroom. And members, I don't know about y'all, but I can't keep my wallet on me to save my life. If we have a city or an agency decide that people have to present documentation to prove their identity, I'm not going to be able to access that space half the time because I don't know where my wallet is. A lot of Texans have that same situation. You should not have to pull out a driver's license or a birth certificate simply to pee, and that is the direction this legislation is taking us.

As written, this bill is inviting invasions of privacy by government actors. Instead, we should push back and make sure we limit the reasonable steps in this bill by making it clear that you do not have to present an ID just to use the restroom. So members, I would encourage your favorable consideration of the "free to pee" amendment.

J. GONZÁLEZ: Just to clarify so everyone's aware—this bill does not detail how this bill is going to get enforced?

ZWIENER: No. This bill says that a political agency or subdivision must take every reasonable step to keep opposite-sex people out of a restroom. Members, I don't know what that means, and the way the bill's written, we could literally get court rulings in different parts of the state defining what that means. What I anticipate is that cities, counties, et cetera are going to put really onerous requirements in place because of fear of litigation. Because literally any person from Texas or another state—or even another country—can bring a legal claim for up to \$25,000 against a political subdivision for violating using "every reasonable step." Let's put some commonsense safeguards on what "every reasonable step" means so that we aren't seeing ridiculous lawsuits trying to force our cities to be onerous and require identification at park restrooms, at city hall restrooms, et cetera.

J. GONZÁLEZ: The bill doesn't define "reasonable steps," right? It does not have any definition in that regard to what that looks like.

ZWIENER: The bill has no definition of that and it allows that language to be enforced by the attorney but also by private lawsuits and by bounty hunters looking to make a buck off a political subdivision not doing enough to keep the wrong people out of the restroom.

J. GONZÁLEZ: So the issue with that could be, because it's so vague, then how would a person have notice if they're in potential violation of the law if this is not defined within the bill what that looks like?

ZWIENER: If I was a city administrator, I would have no idea what to do with this language. I would have no idea what "every reasonable step" means. And when we asked the author what that means, she couldn't tell us either. All she said was each agency or political subdivision will get to determine that on their own. Unfortunately, they can all be dragged into court, and through the private cause of action, they can end up with up to a \$25,000 penalty without any opportunity to cure whatsoever. That's an incredible hardship, and we're going to see our political subdivisions overcorrect and try to be incredibly overprotective based on this language. My amendment fixes that.

J. GONZÁLEZ: Okay, so you believe the way it's written, somebody could ask for someone's papers, right—ask for their ID, ask for a birth certificate? It could lead to that, right?

ZWIENER: Yes, absolutely. I mean, again, I do not want to be a city administrator trying to implement this language and trying to avoid lawsuits. And I mentioned the \$25,000 penalty. Honestly, their legal fees would probably be more than that penalty. This is allowing state-sanctioned legal harassment of our political entities and our political subdivisions. That legal harassment is going to incentivize them to be draconian about access to the bathroom.

You know, members, think about dragging your kid along, and they need to use the restroom. It's more difficult to access now because some government entity is trying to comply with the ridiculous language of this law. We need to make it clear that "every reasonable step" does not mean trying to verify the identity of every single person that enters the restroom.

J. GONZÁLEZ: Do you think it's reasonable that somebody would have to carry some kind of identification in order just to go to the restroom?

ZWIENER: Absolutely not. If you are hiking on the hike and bike trail, you should be able to pop in to one of the City of Austin bathrooms without having to pop an ID out of your running shorts because not everyone carries that.

J. GONZÁLEZ: And not everyone has a driver's license or an ID, right?

ZWIENER: That's true; not everybody has an ID. Shoot, I was without one for awhile this year because my dog ate my wallet. People go through gaps all the time. We are asking government to interfere more and more in our lives with legislation like this. Let's put this amendment in to make it clear that the

government has no place in our bathrooms. Members, please support this commonsense amendment to make sure that you don't have to get IDed when you enter a bathroom. Let's be free to pee.

ORR: Move to table, please.

[Representative Orr moved to table Amendment No. 6.]

ZWIENER: Members, I think it's incredibly telling that the author of this bill does not want to explain why this amendment doesn't make sense. Because this amendment does make sense, and the vagueness of the language in this bill is going to set up problems across the State of Texas as all 254 of our counties interpret this language differently. Shoot, I don't even know how many cities we have. Our thousands of cities interpret this language differently, and courts across the state interpret this language differently, so let's put some guardrails in. Why is this controversial? Why are we fighting about whether or not you need to show a driver's license to get into the bathroom at a city restroom?

COLLIER: It's unfortunate that someone's too afraid to use their words to defend their actions. However, I will ask you the questions, and maybe we can pontificate on what the correct answer is. My question is about a school district, because you brought up bounty hunters, and that is a concern. If any person—you don't have to be a Texan; you can just be a person from another state—has the right to file a private cause of action. Would a school district, or must a school district, allow that person entry into the school to verify that they are upholding this law? To what extent—how far does this law go in terms of providing access to the school and accountability against the school for upholding this law?

ZWIENER: Exactly how much access it would allow is unclear to me and might be dependent on individual courts' discovery determinations. But what this law would absolutely do is allow somebody to allege that they believe a school district has an inadequate policy to keep students out of a particular restroom, file that lawsuit with very little evidence, force the district to spend legal fees against it, and then, potentially, enter the discovery phase. And again, the test is not did the school district tell the students, "Hey, you can only use this restroom and that restroom." The test is did they use "every reasonable step," and we can't seem to agree on what is reasonable. Again, that is the purpose of this amendment—to try to limit what is reasonable to something short of requiring everybody to flash an ID at the restroom door.

COLLIER: See, that's what the concern is. Because someone could make a Facebook post—a social media post—and make allegations that they have been. So the question dealt with "how far are we going to go." Because if they read something on social media, could they make an allegation that the school district was not doing all they can to enforce this law? I mean, this is how absurd and how broad and vague this law proposal is because it doesn't have an ending. It can go on and on, and someone who is not directly impacted could make an allegation under this law. All your amendment is doing is trying to set some parameters so that we have some concrete instructions on what would be acceptable and what would not be acceptable, right?

ZWIENER: Absolutely. I mean, this legislation has a private cause of action with a bounty on it, which is going to incentivize people to look for opportunities to collect that money. I don't know about y'all, but an extra \$25,000 would mean a lot to me. So folks would be incentivized to look for chances to go after a city, a school district, or a county for not taking every reasonable step. Again, this bill is incredibly vague. It does not define what "every reasonable step" is. So let's define that as something short of requiring every single person to show an ID at that bathroom door. We should be free to pee, members. Please, vote no on the motion to table.

[The motion to table prevailed by Record No. 115.]

[Amendment No. 7 by Simmons was laid before the house.]

REPRESENTATIVE SIMMONS: This amendment is pretty straightforward. If a person is attempting to comply with the law and they reasonably believe the use of multiple-occupancy private space designated for use by the individual's sex could lead to threats—such as the ones we heard in State Affairs, where a gentleman said, after seeing who he believed to be a trans woman in public, he was "tempted to help that gentleman save money on his transgender operation by physically helping him get there." Or in the case of our very own Capitol, where a member of the staff here posted a recording of someone coming out of the restroom that they believed was using the wrong restroom, and they weren't. Even in cases where social media influencers post themselves in front of restrooms in the Capitol, as has happened because they were invited by members to do so. Everyone should be able to use the restroom without fear that someone is going to harass them or post their photos online, especially if they are attempting to comply with the law.

MANUEL: I want to just ask a few questions because you brought up a very specific point. Also, I'm sorry; I am going to touch home on this one. How does this bill affect what you're trying to do with this amendment? How does it affect Black trans women who, from my understanding—well, it's actually Black and brown women, but particularly Black trans women—the violence that happens to them on a daily basis just by being Black and trans?

SIMMONS: Absolutely. I mean, statistics show—and this is not me making this up as sometimes we tend to do here in this body—statistics show that Black trans women are typically the ones who are going to be most in danger when we're talking about violence against the trans community. So when we're talking about a group that's already marginalized, a group that's already highly visible, we want to ensure that we are not incentivizing people to put trans women in harm's way. But on the other side of that, most people cannot look at someone and readily identify who and what they are. So this amendment would simply help deincestivize people from just making frivolous claims that put people in danger. That's what we're trying to do here.

MANUEL: Not to call out anyone specifically, but you have brought up a point, and I think most of the members here understand. Let me rephrase it like this: You have someone personally to you that has been affected by someone assuming

something about their gender and then also assuming about which restroom she's using. How has that caused violence for you, your office, and your staffers who have had physical threats projected onto them based on someone's assumption?

SIMMONS: Yes, and you know what? I really try to be very delicate because my chief of staff is professional. She's worked in this building since 2019, and she does not testify in committee. She often comes and sits in the gallery and has to totally check out when people in this body are saying transphobic things about people in her community. But what I can say is that she was falsely accused—she and I have another trans staffer—falsely accused of using the wrong restroom. And not only did she herself receive death threats, my entire office in Houston received calls. My office here received calls based off of a lie. A social media influencer, who was invited by a member, was hanging out by the restrooms and decided to record near the restroom—which I thought was something that you could not do—and put, again, not just my office but an entire hallway in jeopardy because once that video was posted and started to be shared over and over, people began to call House Administration and make complaints. So like I said again, we want to ensure that if people are trying to follow the law, regardless of how ridiculous, offensive, or oppressive we feel that it is, they should be able to do so. We want to deincentivize people who are going to make bad faith claims that are going to put people in danger.

MANUEL: I also have one other question. Is there anywhere in the law that you know of that distinguishes that a Black trans woman should be treated any differently than a cisgender woman? Is there a difference in how they should be treated under the law and how they should be protected under the law?

SIMMONS: I mean, I think what this bill does is it opens up a Pandora's box of not just discrimination but incentivizes violent behavior in a lot of ways and just really puts people in danger and puts them at risk. So what we're seeking to do, if we can't make this not happen, is that we just reduce harm at this point. I hate that I have to be up here. I hate that this has to be an amendment. I hate that we're spending time during the special session where we should be focusing on any number of things that help the vast array of Texans who need us to legislate on good legislation, but here we are. And yet again we find ourselves talking about a marginalized community that has, for some reason, been cast as a bogeyman in our state.

MANUEL: I know I did say last, but I am going to say this because I wish people would understand this. Black trans women's lives do matter. All transgender people's lives matter. I just want to ask this for one last point of view, I promise. How does it affect you in a city to hear about the violence, and how does it harm the community as a whole when misinformation is put out against transgender men and women and people in the community? Can you explain to people, whether they're listening or not, so that it's for the record that also Black trans women's lives matter? How is that affecting everyone's life by having their lives threatened over something as simple as just having to go to the restroom, which everybody does?

SIMMONS: I mean, again, you're pitting Texans against Texans. You're incentivizing people to act in bad faith. You're ensuring that not just Black trans women, or trans women in general, are being harassed and targeted, but any cis woman that doesn't fit a narrow standard of what we think a woman could be. I have a hormone imbalance, and sometimes hair grows on my face. I wear baggy jeans, I wear baseball caps, and have short hair. Who's to say that I won't be targeted by this law? So again, I think what we're doing here is ridiculous. It's not a good use of time. It's not a good use of taxpayer dollars. But if we have to pass legislation like this, the very least we could do is protect people who are just trying to simply comply with the laws that we create.

MANUEL: I appreciate you, and I hope that everyone decides to take a chance to get to know someone who's transgender so that their voice can be the voice that is heard. Until then, I appreciate you for standing up and fighting for people who are marginalized. Because today it's them, but tomorrow it will be someone that people in this chamber care about.

ZWIENER: Thank you so much, Representative Orr. I know I asked you to yield to questions immediately, so I'll just start with: Is it your intent to support this amendment or to oppose it?

ORR: I'm going to oppose it.

ZWIENER: Representative Orr, when we were talking during your bill layout, you indicated that you wanted people who potentially would feel unsafe in the restroom—your bill would require, because of their gender presentation, whether they were cisgender or trans—to use a single-occupancy restroom. If that's the case, why not support this amendment to make those single-occupancy spaces available?

ORR: They are available here at the Capitol.

ZWIENER: Well, your bill doesn't apply to just the Capitol, does it?

ORR: No, but it's an accommodation that is certainly encouraged and allowed under this legislation.

ZWIENER: So if it's allowed and you believe that's the right approach, why not go ahead and require that so that seven-year-old little girl who, under your bill, would have to use the boy's restroom instead would have the opportunity to go to a restroom on their own?

ORR: Well, I think that's a good point, and I think that we are going to be moving towards that in the future. But I'm sure you're aware we have a lot of facilities that the state owns and uses right now that don't have provisions for that just yet.

ZWIENER: So right now, you're fine with that little girl—who everyone in the world would look at and think little girl—be forced to go into the men's restroom and be dramatically uncomfortable and not have a single-occupancy space?

ORR: I didn't say that, and I don't think that's pertinent to this amendment.

ZWIENER: Are you aware that trans people actually experience sexual assault at a much higher rate than the general population?

ORR: I am not advised.

ZWIENER: Some statistics estimate that trans men—that would be somebody who is assigned female at birth and identifies as a man—experiences sexual assault at a rate of almost 40 percent. Why not, as you're pushing this legislation that, as we've discussed, is going to do harm to trans people, provide this safeguard so that they do have access to single-occupancy private spaces?

ORR: As I read the amendment, it is suggesting that we have someone there to restrict access to individuals that would otherwise use this bathroom.

ZWIENER: I'm sorry, I don't quite follow. Could you rephrase that?

ORR: Yes, line 12 of the amendment.

ZWIENER: Why not allow that person a safe opportunity to use the restroom on their own? Why not let that little girl have a moment where there are no grown men in the restroom so that she can go use the restroom that this bill will require her to use?

ORR: I think it's a costly mandate.

ZWIENER: Well, this entire bill is a costly mandate, and we were told it's worth it. If it is worth it to keep trans men and trans women out of the restroom they're most comfortable in, why isn't it worth it to also keep them safe when they actually experience the type of harassment and violence your bill says it's here to address more acutely than cis women and girls?

ORR: I think it is an unnecessary amendment, and I move to table.

ZWIENER: Is it because the well-being of trans people is just not on the mind of anybody pushing this bill?

ORR: This bill is about privacy and protection for girls and women.

ZWIENER: And this amendment is about privacy and protection for both trans women and trans men. Do they not deserve the same privacy and protection that cis women and girls do?

ORR: I am not advised, and I move to table.

[Representative Orr moved to table Amendment No. 7.]

SIMMONS: A very simple amendment. We just want to make sure that we're protecting people who are trying to comply with the law. If a trans woman is forced to use the men's restroom, then that is putting her in a potentially very unsafe situation. So the onus is on us to ensure those folks are safe when they need the restroom. Essentially, we should require security resources to either clear the restrooms if a trans woman has to use the men's bathroom or make sure there is a guard to stand in front of every men's restroom to ensure that a trans woman is safe when they enter that restroom.

J. JONES: Representative Simmons, this amendment acknowledges that people face threats, harassment, and even physical danger in bathrooms. Are you aware that since 2013, 61 percent of all trans homicide victims in the U.S. have been Black trans women?

SIMMONS: Yes, I am, unfortunately.

J. JONES: And you know the Human Rights Campaign has tracked at least 200 trans- and gender-expansive people killed since 2020? In 2022, 18 of the 32 victims were Black trans women. In 2023, it was about 16 Black trans women, and in 2024, at least 18 more. Doesn't that show that Black trans women are already disproportionately being targeted?

SIMMONS: Absolutely. Unfortunately, with the passage of this law, we're going to see that number increase because, again, we will have trans women—and as much as I don't want to make this personal—like my chief, who will have to utilize the men's restroom in this building.

J. JONES: And if this bill forces Black trans women to use a space where they are more likely to face harassment or violence, like in a men's restroom, aren't we creating the very danger this amendment is trying to patch up after the fact?

SIMMONS: Absolutely.

J. JONES: Why should a Black trans woman have to go tell a government agency that she fears harassment just to use a restroom when we already know, based on the data, that harassment and violence against her are a statistical likelihood, not just a hypothetical?

SIMMONS: It's an unfortunate reality of our hyperpolarized political climate. I guess republicans have decided that they no longer like small government and have decided that expanding government fits the bill. And they will do so at the expense of trans women existing and trans people, excuse me, existing in public spaces.

J. JONES: Doesn't requiring someone to ask for a security guard at the restroom door essentially paint a target on their back, especially for Black trans women who are already at the highest risk of being attacked?

SIMMONS: It paints a huge target on their back. It creates a burden on the state, and it's really just an uncomfortable situation for an everyday person who's not seeking to harm anyone and who just wants to go pee in the course of their day to have to do that. So yes. It sounds ridiculous as we say it, but again, these laws have real-life implications that put people in danger.

J. JONES: And Representative, if the majority of trans women murdered in America are Black, why would we pass a bill that increases their exposure to threats and then try to fix it with an amendment that still puts the burden on them to beg for protection? Doesn't this just seem like craziness?

SIMMONS: It seems ridiculous to do so at any time, but it seems especially ridiculous and a little craven to do so in a special session right after the loss of 130-plus Texans. We have children that are going to go hungry over the summer. There's a myriad of issues we should be focusing on, but again, republicans need to go home and win elections. So here we are.

J. JONES: And then one final question: Have you ever heard of Transgender Day of Remembrance?

SIMMONS: Absolutely.

J. JONES: Have you ever been to a TDOR?

SIMMONS: Yes, I have, and, unfortunately, the list of names grows each year.

J. JONES: So what I would ask my colleagues to do is, in November, go to a Transgender Day of Remembrance and listen about all the people that are murdered just because they lived their lives as who they are. But thank you for bringing this amendment. I hope that it doesn't get tabled.

SIMMONS: Thank you so much; I really appreciate it. I would like to remind my colleagues that regardless of where you fall on this issue, each and every one of you represents transgender Texans in this state. Thank you. I would hope that you would vote against the motion to table.

[The motion to table prevailed by Record No. 116.]

[Amendment No. 8 by Simmons was laid before the house.]

SIMMONS: Members, I am back. This is a very simple amendment. It simply states that when a person goes to lodge a complaint under this bill, they should be a personal witness to the violation, and not going off, say, a tweet from a house staffer that turned out to be completely wrong and ruined somebody's life. Yes, that did happen.

We are trying to cut down on the amount of complaints that will come to any agency or political subdivision to being those that are actionable and able to be investigated. We do not want to waste state resources chasing our tails at each and every complaint that comes, especially from something that may be sparked by a reckless social media post. If you remember when a few of my colleagues and I decided that we needed to leave town for a little bit, there was a tipline that was established to report our whereabouts, and I would probably be right in my estimate that not many actual calls coming through that line were actionable. So thinking about how much I love this state and how fiscally responsible I would like to be, I want to ensure that if we're going to make complaints against people that put them in danger, that at least those complaints be real—if we must pass unnecessary legislation such as this.

MANUEL: Do you know if it costs any money to have police go and see if there's been a crime that's committed under any law?

SIMMONS: I'm sure it does. We absolutely have requests for our local law enforcement to increase their budgets. And I'm sure that is part of what they need money for—to do their actual jobs.

MANUEL: So we just passed a bill the other day that's basically putting a burden on cities. We have a bill that we passed in the 87th Legislature that says we can't go under the threshold from an anti-"defund the police" bill. So if someone were to make a complaint, they would have to go and investigate this. Then that would mean it would be on the local police, or it would be state jurisdiction, to have to go investigate this. And, as you said before, with us having security come to look

for us when we were in another state—there's a cost that incurs to this. Do you know who would end up paying this? I mean, I think it would be the cities or the state. But do you know who would be paying the fee on this?

SIMMONS: It could be the city or the state. The burden would be passed off to someone, and I think that's why we saw so many in law enforcement—police chiefs, sheriffs—that actually testified against this bill. Because it's going to make their jobs harder—to essentially enforce something that is not happening. But once we enact this law, the number of frivolous complaints that will come in that will have to be investigated is absolutely going to divert resources. It's also going to divert time that could be spent investigating real crime.

MANUEL: I'm glad you brought that up. That was my next question. If we're diverting police officers to look for the bogeyman in the bathroom—or the bogeywoman in the bathroom—that means if a call was coming in and an officer or a detective is having to look for that person, then that would take them off of a crime that could be happening, of someone being murdered or someone that is in a domestic violence situation that needs—or someone that is in the middle of a health care emergency? Am I correct in your opinion?

SIMMONS: Absolutely. Again, I think we have seen over and over the requests that come through to this body to increase policing budgets so they are able to do their jobs and ensure their communities are protected. Once again, we are essentially putting out a mandate that says, "Hey, in addition to everything you're doing, we also need you to fight imaginary crimes and investigate claims that are probably, most likely, frivolous in nature because, again, people have got to go home and win elections in red districts."

MANUEL: Lastly, are you aware of any city in this state that has a surplus and is not asking the state for any money? Because we both sit on Appropriations. Have you seen any cities that are saying, "We have a surplus and we can spend time to just do whatever we need to do with police, fire, or anything of that sort"?

SIMMONS: No, I have not seen that. And I wish that there was more that we could do, but again, unfortunately, we spend too much time on legislation like this that not only puts people in danger and in harm's way but is also going to cost the state resources.

MANUEL: I know I said last question, but this is it. Don't you find it funny that the same people who scream about saving taxpayer dollars for property taxes—because they say that their constituents want property taxes to be reduced—that they want to increase a fee to go look for someone where we're never seeing any incidents of it? They want to increase that on taxpayers—the fee for finding people that we've never been able to find. But they want to help taxpayers lower their property taxes? We're going to increase taxes on cities and the state for a fee for police officers going to look for them?

SIMMONS: It's extremely frustrating. I think it cannot be overstated that this is a solution looking for a problem. This is not happening. We're not getting those reports. Law enforcement officers and law enforcement agencies have testified and shared information over and over and over that this is not happening. So

again, if we're going to pass ridiculous legislation like this within this body, the very least we could do is try to ensure that the people who are going to be impacted are not put in harm's way. We can disincentivize people from making ridiculous, frivolous claims that are going to cost our taxpayers money.

MANUEL: It kind of looks like some people are just trying to find a girlfriend that they're actually attracted to but they've never been able to get.

ORR: I move to table, please.

[Representative Orr moved to table Amendment No. 8.]

SIMMONS: You know what? I really don't have much to say in this closing other than I don't know why we would not want to ensure that there are safeguards to make sure that the complaints that are going to cost taxpayer dollars and that are going to cost time of the law enforcement officers that we say that we care about in this body—we wouldn't do that. So again, I would hope that the republicans in this body are as fiscally conservative and responsible as they say they are and that they love police officers as much as they say they do by voting against tabling this amendment.

[The motion to table prevailed by Record No. 117.]

[Amendment No. 9 by Simmons was laid before the house.]

SIMMONS: I am back yet again because I want to ensure that if we're going to pass laws that put people in harm's way, that we are doing everything we can to ensure that the complaints that come in are not frivolous in nature and that if people's lives are upended, they have a way to be made whole again. This amendment is something that we should all understand.

[Representative Cain raised a point of order against further consideration of Amendment No. 9 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane. The point of order was withdrawn.]

[Amendment No. 9 was withdrawn.]

[Amendment No. 10 by Collier was laid before the house.]

COLLIER: This amendment strikes the private cause of action. I guess I can come up here and say whatever because you're not going to listen anyway, but apparently Texas wants to be very litigious. They want to increase litigation and my concern, in terms of this particular bill—it does encourage bounty hunters because of the private cause of action. So what we want to do is eliminate the private cause of action because it would encourage people from anywhere in this world to come and try to enforce the provisions of this bill. La da da, da da da—oh, are you listening? Because I want to make sure you understand what you are doing here. What you are doing here is creating free-rein vigilantes to come into our state to target vulnerable populations and discriminate against people. This is government-sanctioned discrimination, and we've got to stop.

My concern also deals with the school districts, the counties, and the cities who are often underfunded. This bill would require school districts to pay a fine of up to \$25,000. Where are they going to get this money from? Is the state going

to offset the costs? Are they going to be able to apply for funding for this? Is this going to impact their ratings when it comes down to public finance bond deals? Who is going to cover the cost for these fines that could be assessed against a school district when they are already underfunded? Is the state going to do that? Where is this money going to come from?

So what we want to do—and I'll just be up front with you. I'm feeling really uneasy about this because when I think about the bathroom concept, I remember the time my parents couldn't use the same bathroom as white people. And I looked at the provision of this bill, and you could substitute race for sex in here. I'm concerned about how far is this going to go. Where are you going to stop when it comes down to discriminating against other people? Because this is the same dance, different song. When they had the bathroom of "separate, but equal," so to speak, one of the justifications were the false claims of protecting white people from alleged threats to their sanitation and safety. Today we hear the same type of false claims about protecting women from trans people, which is all false. There has not been one incident that would justify this type of separation, discrimination, and just plain meanness. This is how far we've gone. It's very unfortunate that Texas, who claims to be "open for business," is moving in this direction. We really just need to eliminate this private cause of action and move on from there.

ROSENTHAL: Mr. Speaker, I'm actually having difficulty hearing here even though I'm right at a speaker. Thank you, Representative Collier, for laying out this concern. I actually share this concern with you. Can you help us understand the severity of what we're looking at right here with this cause of action? First, how it's going to affect communities, and second, how people could literally profiteer by bounty hunting.

COLLIER: Right. So what it does is it authorizes a private cause of action. It also appears to authorize a complaint with the attorney general and a private cause of action. They can take two courses at the same time for their complaint. So the concern deals with anybody not from Texas coming into our state just looking for opportunities to make money. When we say we want people to work hard and be self-sufficient—now we're creating this new type of way of earning money just by going around and looking for lawsuits to file. I don't believe that this is the right direction, and it doesn't reflect the values that Texas says that they hold, where everyone is welcome.

ROSENTHAL: That's a good answer. Let me be clear about this: Do you think that even though the folks who propagate legislation like this want to use LGBT—specifically our trans communities—as political fodder, folks who do not fit the traditional profile, in terms of how they look, could end up being targeted by this? Let's just say a woman who was tomboyish or a young man who appeared feminine, wore makeup, painted their nails—those people could end up being targeted. And actually be subject to not just legal action, but I'm sure bullying and violence as well. If we do this, could it codify bullying and targeting people who just don't fit a traditional gender profile in terms of their appearance?

COLLIER: Absolutely, because in law, if you're in the case in the court, you need to have evidence to support your claim or defense. Perhaps that individual who had been targeted would be subpoenaed to provide testimony about what happened or did not happen. That's an inconvenience to another person. It could even clog up the courts as well. I mean, if you're going to make an allegation that a school district did something wrong—they didn't uphold the law—you're going to have to have proof of that. You're going to have to prove that the person used the restroom that they believe is wrong. And in order to do that, you have to bring in that person because they would have to prove or they would have to use that as their evidence. So even though you're not actually suing the trans person, you are. You are inconveniencing them, you are invading their privacy and their dignity—in fact, let me apologize. I want every trans person to know that they are valued, they are worthy, and we respect them here—right here. I heard someone say—I heard the bill author say that they weren't sure if they were here to protect trans rights, but we are. We're here to protect trans people's rights. I want them to know because I don't want anybody to go home today thinking that they are not wanted or loved because that is not where we stand, not in Texas.

ROSENTHAL: I couldn't agree more. So what you're saying is trans rights are human rights?

COLLIER: Absolutely.

ROSENTHAL: Okay. Let me just put it this way—oh, let me ask you this question: Are you aware of any data or statistics to support that trans people using the restroom that fits with their gender identity has been used in Texas—or really much around the country, but let's focus on Texas—is there evidence to support the notion that these people have committed violence or criminal acts, or even caused mischief of any kind in public restroom spaces?

COLLIER: No.

ROSENTHAL: Can you just verify that there are actually zero cases of that in Texas?

COLLIER: I can verify that there are zero cases of that.

ORR: This amendment undermines the enforcement of this bill. I move to table.

[Representative Orr moved to table Amendment No. 10.]

COLLIER: I would take from that statement from the bill author that the point of this provision is to target trans people because they don't want trans people to use the restroom. I disagree, and I ask that you vote against the motion to table and protect the humanity, the dignity, and the human rights of trans people.

[The motion to table prevailed by Record No. 119.]

[Amendment No. 11 by Garcia Hernandez was laid before the house.]

REPRESENTATIVE GARCIA HERNANDEZ: This is a straightforward amendment that simply strikes the provisions of this bill relating to jurisdiction in fee shifting. This amendment does not strike any provisions related to the underlying authority of this bill and preserves the author's intent.

Members, I ask you this: If the bill author is certain that this legislation would withstand judicial scrutiny, why does this bill include provisions that limit the authority of a state court to issue a ruling that would find provisions in this bill unconstitutional? The study of law has long been a passion of mine. It should come as no surprise that from an early age I knew I wanted to be a lawyer—to practice law—and am now honored to serve as a legislator to make law. The importance of our court system and its role in government cannot be overstated. We often say that the courthouse is the great equalizer. It's where anyone, no matter their background, can seek justice. It's where our rights meet the rule of law. But today, we face a dangerous unraveling of that principle. And while the bill presents itself as a policy about public spaces, biological sex, and privacy, buried within its pages is a far more disturbing truth. This bill shuts the courthouse doors to Texans who dare to question it, and that should alarm all of us regardless of where we stand on the cultural or political spectrum.

If you're wondering what's at stake, **SB 8** doesn't just enforce a view of sex and gender; it outlaws disagreement by design. It prohibits Texas courts from hearing constitutional challenges to the law's provisions. It says explicitly that no court in this state—not a trial court, not a Court of Appeals, not even the Texas Supreme Court—may issue an injunction or may declare the law unconstitutional. Further, provisions limiting the court's right of judicial review are reminiscent of the meddling of Jonathan F. Mitchell, the architect of many major policy priorities which have passed in recent sessions and avoided judicial scrutiny. Provisions limiting judicial review and state courts are not only poor practice but are themselves legally dubious. It grants blanket immunity to state officials, agencies, and employees even if they violate someone's constitutional rights. It says that no judge may ever consider whether this law violates your civil liberties.

That's not just undemocratic; that's un-American. This isn't how justice works. Our legal system is built on a simple idea: If a law harms you, you can challenge it in court. You don't need permission; you don't need political influence. You just need standing and a Constitution. But **SB 8** says you don't have that right anymore. Even worse, if you try to bring a challenge—if you are a lawyer, like myself; a law firm; or an individual—you can be forced to pay the other side's legal fees even if your case is dismissed for reasons that have nothing to do with merit. That's not just chilling; that's punitive. It is designed to silence legal dissent. Why does this bill hold the plaintiff's attorneys liable for the legal fees of the prevailing party in a suit seeking relief against this Act? The American rule of holding each party responsible for their side's legal fees has long been a pillar of our legal history. Access to the courts has expanded by limiting potential burdensome penalties. Yet, as currently written, this bill seeks arbitrarily to impose legal fees on attorneys directly, intentionally chilling likely attempts to challenge the validity of this legislation.

Let's call this what it is—legislative bullying. It uses the courthouse as a weapon against the very people it was built to protect. This isn't about one side of the issue. You don't have to argue or disagree on the laws put on restrooms or shelter to be concerned about what this means for everyone. If the state can pass a

law today and no one can challenge it in court; if it can ban injunctions and silence judges; if it can punish lawyers for representing people whose lives are affected, then what can't it do? Today it's about bathrooms; tomorrow it can be about speech, religion, or voting. When access to the courthouse is denied, there is no back stock for our rights. The courthouse is where we resolve our deepest differences peacefully. When lawmakers make a law and someone is harmed by it, they go to court. The court decides whether that law respects our Constitution. That process is the bedrock of our democracy. When that process is removed, we are left with unchecked power. And unchecked power, no matter how well-intentioned, is a threat to liberty. This isn't just about one bill; it's about whether our legal system still serves the people. Access to the courthouse is not a luxury, and it is not a loophole; it is a right. We must reject any attempt to legislate away judicial review, punish dissenters, or shut the doors of justice, because once those doors are closed for some, they can be closed for all.

REPRESENTATIVE HOWARD: I'm not a lawyer, but just listening to what you just said, this Jonathan F. Mitchell blueprint we've been seeing over and over again now is extremely alarming. Can you talk to me and tell me about this fee-shifting scheme? That's not a normal thing, is it?

GARCIA HERNANDEZ: No, it's not. In the practice of law, traditionally—say, for instance, you file a lawsuit and a party ends up prevailing. Depending on whether it's in statute and where it's in statute, they're able to essentially recoup whatever fees for the prevailing party. Say, for instance, you drag somebody to the courthouse, and they have to essentially bring on an attorney to defend themselves, and they find that particular person shouldn't have had that happen. That person can ask the court to essentially provide them with the attorney's fees for having to do that. That's just making sure people have access to the courthouse and that people are not hindered because they may not be able to afford an attorney and be precluded from not only bringing a cause of action but being able to sufficiently defend themselves.

HOWARD: So just following up on that too—is it normal to write legislation like this in such a way that it says it can't be challenged in court? Is that a normal thing to have happen in bills?

GARCIA HERNANDEZ: No, not at all. And I think quite honestly for most of us that are here in the legislature that are lawyers, we understand that this is highly irregular, incredibly unconstitutional, and obviously impedes separation of power as well.

HOWARD: It's unfair, doesn't allow for judicial scrutiny—the list seems to go on and on here. So clearly this is a very dangerous precedent, would you not agree?

GARCIA HERNANDEZ: Absolutely, Representative. I think, just as I had indicated at the beginning—my understanding is that the author has said that she believes it would be able to pass any kind of judicial scrutiny. If that is the case, then why do we have this in this bill? It needs to be removed. All my amendment is attempting to do is to remove that so people can, in fact, take this to court and, in fact, confirm that it is constitutional.

HOWARD: Thank you for explaining all that. It is extremely alarming.

ORR: I think this amendment will gut the provisions protecting the bill, and I move to table.

[Representative Orr moved to table Amendment No. 11.]

GARCIA HERNANDEZ: Like I said earlier, this amendment literally just states that we would not be requiring a fee shift, as well as closing off the courts to anybody that wants to confirm that this particular **SB 8** does not infringe on people's rights, as well as the Constitution.

ZWIENER: Thank you so much, Representative Garcia Hernandez. I think I'm going to have to repeat Representative Collier's earlier thing of trying to have the conversation I was hoping to have with the bill author, but with you. So your amendment, as I understand it, removes most of the last three pages of the bill, which have some of these really unusual legal shenanigans. I wanted to talk about that jurisdiction piece first because we haven't seen anything like that before in Texas. Now, is it correct that the tradition of judicial review for the constitutionality of laws goes back to 1804 in the *Marbury v. Madison* decision in the United States?

GARCIA HERNANDEZ: Yes, you are correct.

ZWIENER: Are you aware of any other legislation where we try to remove the ability of courts to examine whether or not a particular piece of legislation is constitutional—either the Texas Constitution or the United States Constitution?

GARCIA HERNANDEZ: I am not aware, and I did some research before we put this amendment together. There was nothing that I was able to find that showed the ability to be able to do that in the past or it actually being utilized.

ZWIENER: Does this trend towards lawlessness and removing the ability for judicial review worry you for the future of our state and our country?

GARCIA HERNANDEZ: Absolutely, it does. Our court system is the bedrock of our democracy—making sure we have separation of powers, both our legislative and our executive, as well as our judicial. And the fact that through **SB 8** we are attempting to literally cut off our courts should be something that we—as Texans, as elected leaders, as individuals, and as Americans—should be concerned about.

ZWIENER: We took an oath as legislators to uphold both the Texas and the United States Constitutions, did we not?

GARCIA HERNANDEZ: Yes, absolutely.

ZWIENER: Do you think it's upholding the Constitution for us to try to remove pathways to examine whether our legislation is constitutional in the courts?

GARCIA HERNANDEZ: I do not. And like I said, I think it's very concerning, especially given the fact that we have the bill author indicating that she believes that it would be able to make it through judicial scrutiny. The fact is that we have this in this bill. If that's the case, then it should be removed.

[The motion to table prevailed by Record No. 120.]

[Amendment No. 12 by Rose was laid before the house.]

REPRESENTATIVE ROSE: It's so funny that we would be here having this discussion. You cannot have a state, have 30 million people, and have everybody be the same. I'm filing this amendment in honor of two of my constituents, Muhlaysia Booker and Merci Mack. Unfortunately, this bill won't impact them because their lives were taken because they were transgender.

So Mr. Speaker and members, this amendment seeks to insert text in Section 3002.005 that explicitly prohibits sex discrimination in situations where someone is perceived to have entered an incorrect facility. While sex discrimination is prohibited by law, it is important to include this protection to verify that any Texan using a private facility is free from fear of discrimination or harassment. Including this provision ensures the safety of all Texans who use multiple-occupancy private spaces.

The vague language used in this bill regarding the process of complaints and investigations has the potential to incite harassment or violence that the reporter, bystander, or law enforcement officer might think is appropriate to cure the situation. There have been several cases of cisgender women living in states with bills similar to this being harassed and discriminated against because their appearance did not appear feminine enough. This amendment would help protect women from becoming victims of this. Transgender people already—members, they already experience disproportionately high rates of violence and harassment. This bill's vague and harmful language has the potential to incite further violence and harassment toward them.

The inclusion of this provision protects all Texans from sex discrimination in private spaces. All United States citizens under the Fourteenth Amendment of the United States Constitution deserve equal protection under the law, and this amendment safeguards that protection. The privacy of all citizens is sacred and deserves protection. Today, women across the nation enter restrooms in fear that they will be scrutinized and discriminated against based on their appearance. That is unacceptable, and this amendment seeks to ensure that Texas women do not have to experience that same fear.

[Representative Cain raised a point of order against further consideration of Amendment No. 12 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane. The point of order was withdrawn.]

ORR: This bill does not permit sexual discrimination.

ZWIENER: Representative Orr, if you don't think this bill permits sex discrimination, can we just go ahead and add this language and make that crystal clear?

ORR: I am going to move to table.

ZWIENER: Can I ask why?

ORR: I don't think it's necessary.

ZWIENER: Are you aware that sex discrimination under Supreme Court precedent can include discrimination about people's gender presentation and even their trans status?

ORR: This bill is about protecting women and girls in multiuse spaces—multi-occupancy private spaces based on biological sex—not gender identity.

ZWIENER: So Representative Orr, we've discussed a lot that there are cis women who have long hair and frequently wear skirts and have a curvy build where everybody knows, obviously, that that person is probably a cis woman. And there are also cis women who have more athletic builds, "boyish builds," short hair, or maybe wearing pants. We have raised concerns again and again today about those cis women—biological women, as you say—being discriminated against when they try to enter the women's restroom or another multi-occupancy private space. Do you understand where those concerns are coming from?

ORR: I am not advised.

ZWIENER: Representative Orr, if you believe this bill does not discriminate on the basis of sex, then what is the harm of adding this language to make it crystal clear it cannot be construed that way?

ORR: I am not taking this amendment.

ZWIENER: Is the hope that this legislation will allow for the discrimination—

ORR: Absolutely not.

ZWIENER: On the basis of sex? Because, as we've discussed, the Supreme Court has included discrimination against trans individuals and discrimination on people's gender presentation as part of discrimination on the basis of sex. Are you hoping this bill will allow that type of discrimination?

ORR: Absolutely not.

ZWIENER: You don't hope that your bill will stop trans women from being able to use the restroom with the gender they identify?

ORR: I move to table this amendment because I do not believe it is necessary.

[Representative Orr moved to table Amendment No. 12.]

ROSE: For those who may not be aware, Texas leads the nation in transgender murders. The continued oppression and denial of humanity and a right to exist needs to stop when it comes to trans people. Again, I'm filing this amendment in honor of two of my constituents who lost their lives: Muhlaysia Booker and Merci Mack. Vote against the motion to table.

[The motion to table prevailed by Record No. 121.]

[Amendment No. 13 by J. González was laid before the house.]

J. GONZÁLEZ: Members, again, this amendment is a simple, essential one. In the private cause of action, it also includes a private cause of action for those who are wrongfully harassed or removed from a bathroom. The goal is to give the ability to hold harassers accountable to those that are targeted and humiliated simply because of their appearance, their height, or how they are perceived. This happens all the time, as many folks have already mentioned, including myself—especially to women who are taller, have short hair, or anyone who doesn't fit the mold of what society, or that person, feels that they should look like. This amendment includes a critical layer of protection by creating a direct disincentive to individuals who engage in wrongful harassment, holding them accountable. This amendment ensures that every woman, regardless of her appearance, is protected. If this bill is truly meant to protect women and their privacy, then women must have the right to be able to get relief if they are harassed in a bathroom. Let's do the right thing.

BUCY: Thank you for filing this amendment, Representative. I want to make sure everyone understands what you're doing right now. Your amendment protects our daughters—like my two daughters—our mothers, and our friends from harassment in the bathroom. Is that correct? Can you explain it one more time because it's clear most of these people may be working on joining the potty brigade themselves and are not paying attention. So could you let them know what your amendment would do?

J. GONZÁLEZ: That's correct. Under the portion of the bill currently, where it has the private cause of action—which would allow even folks who aren't even from Texas, as we heard from the author—even if they aren't directly harmed, would be able to get relief from the courts. However, if you're a woman like myself, a cisgender woman in the correct bathroom, and somebody harasses you, that is direct harm to somebody. That person should be able to get relief from that.

BUCY: Let's be clear: It would take simply one person, under this bill, to think that someone in the bathroom might be a man just because they decide it's so, and that person could be removed from the restroom. Is that correct?

J. GONZÁLEZ: Yes.

BUCY: So your amendment would say that if they're being wrongfully accused or if they are being harassed, then they would have a course of action against the harasser?

J. GONZÁLEZ: Yes.

BUCY: So all we're trying to say here is if you're going to have the potty police coming after people, the people that are being harassed under that need to be able to defend themselves in the courts. Is that correct?

J. GONZÁLEZ: Absolutely.

BUCY: Thank you for bringing an amendment that is common sense and that would protect the women of this state from being harassed by people that are hanging out in the bathrooms and harassing them.

ORR: This amendment is unnecessary, and I move to table.

[Representative Orr moved to table Amendment No. 13.]

J. GONZÁLEZ: Listen, if the title of this bill or how it's being presented is that it's meant to protect the privacy of women—and we've heard many times on this floor of bills that have come to this floor that are aimed at protecting women—it does exactly the opposite. So if that's what this body is always trying to do, then do the right thing and vote against this motion to table.

But look, like I've said—I said it earlier even though the author will not admit the fact that these things will happen because they happen right now; they happened to me. It happens to me in this building. And look, I want to be able to—if when I'm driving from Dallas to Austin or Austin back to Dallas and I need to stop at the truck stop, I want to be able to feel safe using this truck stop just like anyone else. So when you open the door to people getting harassed—when sometimes I already am harassed just because of my short hair—wouldn't you agree that letting your colleague live with dignity, be safe, and feel safe going to the restroom as well? This not only hurts other people; it also hurts folks like me. You're potentially putting my physical safety in danger. So if you want to continue to be cruel like this body continues to, that's on your hands. I encourage you to vote against the motion to table.

[The motion to table prevailed by Record No. 122.]

[Representative Moody raised a point of order against further consideration of **SB 8** under Rule 8, Section 3, of the House Rules and under Article III, Section 35(a), of the Texas Constitution on the grounds that the bill contains more than one subject. The point of order was withdrawn.]

[Representative M. González raised a point of order against further consideration of **SB 8** under Rule 8, Section 1(a)(1), of the House Rules on the grounds that the caption fails to give reasonable notice of the subject of the proposed measure. The point of order was withdrawn.]

[Amendment No. 14 by Toth, Cain, Harrison, Tinderholt, and Olcott was laid before the house.]

REPRESENTATIVE TOTH: It simply takes the penalty from \$5,000 to \$25,000 for the first violation and subsequent violations to \$125,000.

[Amendment No. 14 was adopted by Record No. 123.]

REPRESENTATIVE CAMPOS: Members, let me say this as plainly as I can: All people are different, and that is not a flaw; it is humanity. Each of us carries battle scars that others may never see. Some people are born transgender; others have lived through trauma most of us couldn't imagine. Their journey is their own and it deserves respect, not to be condemned because of who they are. **SB 8** doesn't respect people; it punishes them for existing, and to be clear, this body has no business policing identity, no right to decide who's worthy of dignity, and no authority to strip away the humanity of our fellow Texans. What this bill really says is that fear and cruelty have more value in this chamber than compassion and understanding. We are not elected to write laws that divide people, shame

people, or erase people. We were elected to protect all Texans, and I'll say this: I hope my colleagues who believe in this bill never experience the trauma that so many in the LGBTQ community have endured because I do not think that you would be able to handle it. That pain breaks people. That pain isolates people. No one deserves to carry that weight simply for being who they are. So let history record this moment. Some choose judgment; I choose compassion. Some choose cruelty; I choose dignity. Some choose fear; I choose love. I will continue to stand on the side of those who are told by bills like this that they do not belong, because they do belong. They always have, and no law you pass will ever change that truth.

REPRESENTATIVE BOWERS: Members, the business community has been clear and consistent for a decade. They are opposed to this bill. They opposed the so-called "bathroom bill" in 2017. They oppose it now, and the reasons remain the same. It is bad for people, bad for business, and bad for Texas. Texas Competes, the largest business coalition in the country, supporting a welcoming Texas, represents more than 1,500 employers, Fortune 500 companies, chambers of commerce, convention and visitors' bureaus, and hundreds of small and medium-sized businesses. They have spoken with one voice: Discriminatory legislation like **SB 8** puts people at risk, sends a message that Texas is not open to all, and undermines our ability to compete for jobs, talent, and investment. Businesses have not just issued statements; they have shown up, and they have sent executives to testify at this Capitol, to speak at press conferences, to sign open letters, to buy full-page ads, and to buy radio spots, all to say the same thing—this bill threatens our economy and our reputation. Let me remind you of the 2017 letter signed by 19 CEOs of Dallas' largest Fortune 500 companies. They warned Governor Abbott that the bathroom bill would seriously hurt the state's ability to attract new businesses, investments, and jobs. They wrote, "We strongly support diversity and inclusion." This legislation threatens our ability to attract and retain the best in Texas and also the greatest sporting and cultural attractions in the world. Those warnings were true in 2017, and they are true today. Tourism, conventions, and major events that bring millions into our state are at risk. That means not just CEOs, but restaurant workers, hotel staff, drivers, bartenders, caterers—the everyday Texans whose livelihoods depend on a strong tourism industry—are all put in harm's way because of this bill.

The Corpus Christi Chamber of Commerce, representing hundreds of small businesses, put it plainly: "Controversial social legislation creates instability, and instability hurts employers and the working families they support." Colleagues, discrimination has no place in our laws. Texans deserve to feel safe and welcome in their workplaces, in their schools, and in their communities. Bills like this divide us when we should be focused on uniting Texans around the real challenges before us like flood relief, infrastructure, and public education. The risks are clear. The business community is united. Texans want a state that is welcoming, vibrant, and growing, not one that singles out vulnerable communities for political gain. For these reasons, I urge you to vote hell no on **SB 8**.

REPRESENTATIVE TURNER: Members, **SB 8** is big government at its very worst. Just think about what this bill does. It tells Texans where they can go and where they cannot go to the bathroom, and worse, it says the government is going to watch you when you go to the bathroom. And even worse, it tells Texans to rat each other out—to the attorney general of all people—about where they saw someone go to the bathroom. Think about that. This is Texas.

Members, lean back in your chairs and look at these lights. See these beautiful lights hanging from this ceiling; what do they say? They say Texas. Texas. We're supposed to be the state of freedom, of individual liberty, and of limited government. This bill violates all of those principles that many of you say you hold dear. Our state motto is friendship. This bill does violence to that simple concept—a simple concept we teach our children and grandchildren. You've heard from Representative Bowers about how this bill will damage our state's economy. Dr. Ray Perryman's 2017 study showed that that year's bathroom bill would cost the state \$3.3 billion in lost tourism business and more than 35,000 jobs. That was eight years ago. Our economy and population have grown since then, and therefore those losses will inevitably be bigger now.

What's most offensive about this bill is that it is so opposite of the work we should be doing as lawmakers. No Texans asked us to do this, unless you count the paid outrage specialists whose only currency is cash, rage, fear, and lies. This bill is a solution in search of a problem. And since we are wasting time on **SB 8**, you would think that means we don't have any real problems to address. But members, we do. My constituents, and I expect yours as well, want us to help make their lives a little bit easier. They don't expect us to solve every problem, but they do expect us to work on a few things. They want us to do something about the skyrocketing costs of homeowner's insurance, which is making it harder and harder to realize the American dream of home ownership. **SB 8** doesn't do that. They want us to improve access to basic health care when one out of five Texans is uninsured, and that will only increase due to Donald Trump's policies and the indifference of this legislature on health care. But this bill doesn't do that either. They want us to prioritize good jobs, strengthen our public schools, and create safe communities—this bill doesn't do any of those things. All **SB 8** does is pick on people who really just want to be left alone. It involves big government in what is one of the most private things every single human being does. **SB 8**, at its core, is probably the most un-Texan bill this house has ever considered, and for that reason alone, you should vote no.

REPRESENTATIVE MORGAN: I just have a simple question. Do you think that men should be able to use women's restrooms? It's a yes or no.

TURNER: Mr. Morgan, I think we've debated this—

MORGAN: I'm sorry; it's a yes or no. Do you think that men should be able to use a women's restroom?

TURNER: If you let me answer the question—I think we should let Texans decide which restroom they use, and I don't think it's been a problem. And I think, again, this bill is a solution in search of a problem, which is unfortunate, because we have a lot of problems as Texans.

MORGAN: Okay. So the answer is yes, right?

TURNER: You have my answer, Mr. Morgan.

V. JONES: Members, today is another disappointment for the state because we are once again preparing to vote for a bill that Texans didn't ask for. Again, I will ask this body: Is it worth it to continue to deny the will of this state for a *Scorecard* vote? Currently this legislation is forcing a bathroom bill despite clear and overwhelming statewide opposition. A ban that would turn every public restroom, courthouse, airport, and even domestic violence shelter into sights of government surveillance. Let me be clear, this bill does not protect anyone. It targets transgender individuals, erases intersex Texans, and gives strangers the right to question anyone who does not fit their ideal of male or female. That's not safety; that is state-sanctioned harassment. The only way to enforce **SB 8** is through invasive gender checks that would humiliate children, parents, survivors of violence, and anyone who dares to look different. Members, imagine parents being barred from helping their 10-year-old in a public restroom, students forced into unsafe situations at school, survivors turned away from a shelter bed. That's the reality of what this bill would create. And **SB 8** is not an isolated bill. This is part of a dangerous pattern from this chamber. In the regular session alone there was over 200 anti-LGBTQ bills filed, the most in any state legislature in American history. This is not a debate about policy; it is a coordinated campaign to erase LGBTQ Texans from public life. Yes, it is, sir.

There is no public safety crisis here either. In over 400 cities and 22 states with inclusive restroom laws, there have been zero increases in public safety incidents. Zero. But in Texas, 70 percent of transgender people have already been harassed in bathrooms, and scariest of all, our state already leads the nation in violence against Black trans women. With the passage of **SB 8**, this will be compounded. I want you all to remember their names: Merci Mack, Muhlaysia Booker, Asia Foster. These were the lives that the state failed to protect. Passing **SB 8** will not keep anyone safer; it will only pour gasoline on an already deadly fire. Members, as vice-chair of the Committee on Corrections, I want to also highlight that inmate housing is a provision in this bill because it was sneakily and irresponsibly added to the special session bills. Members, we have already gone down this road as well because in 2018, the Texas Department of Criminal Justice settled a lawsuit brought by Lambda Legal on behalf of Passion Star, a Black transgender woman who endured years of sexual violence in our prison system. I would like to share a little bit of her story while under the custody of the Texas Department of Criminal Justice. I would like to warn you in advance of the graphic language that will be quoted.

Passion was sentenced to 20 years in prison and transferred to the custody of TDCJ, where she was housed in male facilities. In the seven male facilities she was housed in, male inmates identified Passion as feminine. She was raped, she was forced to submit to undesired sexual acts to escape violence, and she was threatened with sexual assault. She filed dozens of grievances, complaints, and requests to be placed in safekeeping. But instead of taking measures to protect her, TDCJ officers told her to "suck dick, fight, or stop acting gay" if she did not want to be assaulted. In multiple prisons, Passion was placed in the general

population in close proximity to inmates who she identified as having threatened her, including one occasion in November 2013 where the identified inmate then attacked Passion, calling her a "snitching faggot," slashing her face eight times with a razor. And members laugh at this? And members laugh at this. Despite her repeated pleas for protection, TDCJ failed to act, leaving her beaten, raped, and threatened with death until a federal lawsuit forced the state to change its course. The settlement required TDCJ to provide safe housing, medical care, protection, and compliance with the Prison Rape Elimination Act.

SB 8 would wipe away those hard-fought protections. It mandates that every person be housed strictly according to their sex assigned at birth, no matter the risk, no matter the evidence. That means transgender women like Passion Star would, once again, be placed and locked in men's units where the state already knows they're facing staggering rates of assault. It strips TDCJ of the ability it needs to keep people safe and places Texans on a collision course with the Prison Rape Elimination Act, the Constitution, and basic human decency. Let's be clear: This bill isn't just misguided; it's dangerous. It will put lives at risk, invite more costly lawsuits, and send the message that Texans learn nothing from its failures that led to Passion Star's suffering. **SB 8** does not protect anyone. It guarantees more violence, more trauma, and more legal liabilities for this state. Also let's be clear: This bill is not just cruel, it's unconstitutional. It violates equal protections under the U.S. and Texas Constitutions, defies federal court rulings, and even tries to shield itself from judiciary review. This should tell you everything. The author knows that this bill will not withstand scrutiny. This bill is not about issues important to Texans right now. It's not addressing record inflation. It's not about increasing access to health care. It's not about funding our public schools. This bill is not about Texas. It's about republican members putting forth legislation for political points on the backs of the people. We took an oath to protect Texans, not police them.

I'm speaking now with the parents, kids, and communities who are tuning in and are now unsure of what tomorrow brings. To every LGBTQ Texan, to every parent, to every student, to every worker, to every neighbor who just wants to live without fear: We see you, we got you, and we will continue to fight for you. When injustice tries to corner us, Texans do not stand still. We rise, we resist, and we fight back. So we are not going anywhere. We are not backing down. To close, I will ask you this again, Mr. Speaker, members—are you proud of the policies that you have put forth and how they serve Texans? Are you proud of your work? I strongly encourage you all to vote no on **SB 8**.

ZWIENER: Thank you so much for that moving speech, Representative V. Jones. There was some tittering back here with some of the language that you used to describe what happened with Passion Star in TDCJ custody. If folks are that alarmed by just the language, do you think they need to reconsider the conditions that they are proposing to subject trans Texans to?

V. JONES: Absolutely. These are the truths of these individuals. And sitting now on the Committee on Corrections for two sessions, I have heard the stories and seen members—a member, in particular—continue to bring bills forward that would "protect women," but they are actually targets against transgender

individuals. What we see when we hear members' comments saying that transgender individuals are attacking Texans, it is actually the other way around. There have been zero reported cases of a transgender individual in Texas attacking someone in a prison facility, but we have seen time and time again countless examples of transgender individuals being attacked in our institutions where we are supposed to protect vulnerable populations, not put them in more danger.

ZWIENER: Thank you so much, and thank you for highlighting the particular cruelty of this bill to incarcerated individuals.

REPRESENTATIVE TROXCLAIR: Mr. Jones, while we are remembering the names of victims, don't you think it's important that we also remember and honor the names of the children that have been shot across the country, including—

REPRESENTATIVE M. GONZÁLEZ: Four hundred thousand. Four hundred thousand. That's how many women experience sexual harassment or sexual assault crimes a year in Texas. What about the fact that 76 percent of women murdered by intimate partners were stalked first? Well, 85 percent of women who survived murder attempts were also stalked. What about the fact that 33 percent of sexual assaults are committed by current or former intimate partners? What about the facts that girls and young women between the ages of 16 and 24 experience the highest rate of intimate partner violence—almost triple the national average? If we want to talk about protecting women and girls, then let's talk about that, the 400,000 a year. But that's not the emergency item, that's not the four hours of debate, and that's not the conversation we're having. Instead we're having a make-believe conversation when 400,000 women have been sexually assaulted this year in Texas. I just want us to be real and honest. Let's come together. Let's address that. That's the real emergency. That's what we should be talking about today. Let's just keep it real. Vote no on this bill because this is not about protecting women and girls.

MANUEL: You know, what's really funny is everyone of you in here has a bathroom that you've let a woman use or let a man use in your house. You say you don't want men in women's bathrooms, but you let a man in the bathroom that your wife uses, your daughter uses, or your grandchild uses. And you can do the mumbly, gumbly stuff, but this is the funny thing to me. You all love to talk about how pro-Christian you are and how much you hate Islam, but you act so much like an authoritarian Islamic country that separates men and women and punishes people who don't fit into their religious box. That is the absolute wildest thing to me.

And I know most of you don't read, and most of you don't know history, so I'm going to give you one really quick one, and you can look it up because this actually happened. The funny thing is you can hate a person so much that you can cause someone else's death. Most of you in here talk about how, "Yes, we love Israel." Y'all say, "Israel, we love Israel. We are here for this country, and we're going to stand for it." But your politics are a little 1927. Because back in 1927, ladies and gentlemen, we absolutely hated Chinese Americans, even though we asked them to come here first and build a railroad. Then when we got tired of

them, we passed laws to stop them from coming and got rid of them. And then the Nazis kind of did this fun little thing, and they said, "Why is America the shining city on the sea that no one has an issue with? They segregate Black people, they kill Chinese people, and they get rid of Mexicans." They do all of these things, and they said, "Let's look at their laws." And they looked at America's immigration laws, and they looked at America's segregation laws, and they said, "Oh, this is all we have to do." And then America was thus responsible for the deaths of 40 million people.

You're creating a law that is going to separate you from other people. And for every one of you that went on that trip with me to Israel—we went to a museum, and the tour guide—they told us they gave us the best tour guide—she was from the United States. She's Jewish, she's proud, and she said to all of you here that went with me, "Oh, by the way, these laws that kind of made things happen, they did use the Jim Crow laws," which we all know happened after the Civil War. She told you. It's not just Christian telling you. She told you that our country is responsible for a massacre that people had to end up going to Israel, which is why we are in the situation we are today. And yet right now, we are creating the same thing because we hate these doggone trans people. They are just making our lives so miserable because they want to use a public bathroom. But if they were in your home, you would say, "I'm a Texan. It's all about home, love. Come in, have some water, use the bathroom. Have some cornbread, but God, don't go to the Capitol and use their bathroom because that's just doggone nasty."

You are creating a law because you hate people. And for the people who want to be chicken butts out here and want to try to invoke a massacre that happened when we have been asking for laws that stop people from having certain firearms that they should not be using. Let's talk about the fact that Kerr County had money that could have been given to them, but they chose not to take it because they hated democrats so doggone much. And because of what they did, five of my young people are dead. So let's talk about that chicken butt stuff. Let's talk about the fact that five young, promising people from my district are dead because somebody didn't care enough about just respecting government and about taking money that was going to save people. So now you're going to create a law because you hate trans people so much, and you think nothing's going to come from it.

You want to hate on people who are doing nothing but just trying to exist. You know that this is not happening. But all of you know you're going to get a good *Scorecard* bump. Your primaries are coming up. "Oh, we've got to be careful about that one. Somebody too far to the right might come." Somebody on this floor who really hates the moderate republican is going to do everything to tear you down, so let's see who's the most hateful. Who's the easiest, people? Can't go against the Blacks because we don't want to seem racist. Oh, trans people. Nobody cares about them. We do care about trans people. You should care about trans people because one day they are going to be knocking on your bedroom door because it's that grandchild that you love. It's going to be that son or daughter that you love. It's going to be one of my friends who tried to commit

suicide—their parents had to come in and find them. And the only way they could come to terms with loving their transgender child was it was a choice between death and freedom. It was a choice between me having a child and not having my child.

So for all of you who want to go in the bathrooms and get the trans kids because they're doing all kinds of dirty, nasty things—which no one's doing except for sickos, and they're not trans, they're perverts—I hope you all realize something. Everything that you do today has ramifications, and all of you in here know that. We all are accountable for what we do. There is a difference between thinking something is right and knowing something is right. And all of you in here have zero proof of a transgender person causing any harm to anybody in the bathroom. But what you do have proof of is, by God, the Republican Party is going to love you. But history will remember you when you created a discrimination law that got a bunch of people killed. And again, if you don't believe me, look it up. Ask your Jewish friends who live in Israel—1927. Laws that we passed in this country helped create the Holocaust. So just remember. It's okay to hate people right now, but, please, in the next 20 to 30 years when we cause a massacre in another country and we stand for American values, don't pretend that your vote doesn't matter. Because there are authoritarians right now in Europe, in the Middle East, and in Asia that are looking at our good ol' US of A laws, and they're gleeful because now they have a new way to massacre and kill a whole other set of people. We will be to blame for this. Again, as my sister would say, *Google* it: 1927 immigration laws. See what the consequences were, so all of you Israel-loving, Zionist, Jewish people—I really hope you don't vote against the people that you keep saying you're fighting for, because this was the start of what happened to them less than 20 years after we passed those stupid laws.

ROSENTHAL: Members, colleagues, Texans—we're here today to talk about a bill that threatens the dignity, privacy, and basic freedoms of our fellow Texans: this so-called "bathroom bill." At first glance, some might think the bill is about privacy, but if you look just a little closer, you'll see what it really does. It creates suspicion, fear, and harassment. It literally codifies bullying. It deputizes strangers to police one another's bodies, and it harms not just transgender Texans, but anyone who doesn't fit the rigid, outdated, stereotypical image of what a man or a woman is supposed to look like. And let's talk about what that's going to mean in real life. How will this bill be enforced? It's not about protecting anyone's safety. There are no recorded incidents of transgender violence in public spaces in Texas. This is about empowering strangers, businesses, even law enforcement to stop and interrogate people based on their appearance. The question will become, "Who looks like a woman? Who looks like a man?" And suddenly it won't just be transgender people who are targeted. It'll also be cisgender women who don't conform to society's narrow ideals.

Picture this: A woman with short hair and jeans and a t-shirt and a lean athletic build walks into a restroom. She doesn't look like someone else's version of feminine. Will she be stopped? Will she be forced to explain her body? Or worse, will she be humiliated, shouted at, photographed, or physically

confronted? I don't have to imagine. I've seen it happen. We've all seen it happen. And I want you to picture my good friend, a Texas lawmaker, a Latina, a woman, and the chair of the LGBTQ caucus in this state. She's strong, she's brilliant, and she's a leader, but because she doesn't look like the cartoon version of womanhood that some people carry in their heads, she could be challenged under this bill in this building. Imagine an elected representative and a leader of Texas, sent here by her community to serve, being stopped in the halls of this Capitol, harassed in a restroom, and forced to prove her womanhood. Not because of who she is, but because of how she looks. That's what this bill does. That is the breadth of the harm you are about to inflict on your communities and your neighbors and your friends. And let's be clear, once you invite the government and strangers into people's private lives to police bathrooms, there is no end to it. Women athletes will be questioned. Women with short hair will be questioned. Women with broad shoulders, tall women, women with deep voices who dress outside the feminine normal box—all of them will become targets. It's not a theory across this country where similar bills have been passed and introduced. There are already reports of cisgender women being harassed in bathrooms, airports, and restaurants—mothers with their children, teenagers trying to wash their hands. They are all told they don't belong. The cruel irony of this is that the bill claims to be about safety, but what it creates is danger. It makes it more dangerous for women and girls to use public restrooms without fear of being confronted. You are literally inviting people into those spaces that should be private and safe.

We should talk about what this bill says about Texas. It says that our legislature is more concerned with policing bathrooms than fixing our energy grid, funding our schools, or lowering property taxes. It says we are willing to humiliate and endanger our own people for the sake of political points. It says, loud and clear, that Texas is not a place where freedom means freedom for all. That's not who we are. It certainly is not who we should aspire to be. Texans believe in minding our own business. Texans believe in fairness. Texans believe that government shouldn't be sticking its nose into the most private corners of our lives, but this bill does exactly that. It drags the heavy hand of government into bathrooms, into locker rooms, into every public space in this state. And let me tell you something else: This bill doesn't just fail to protect people; it exposes every business, every school, and every public facility to liability and confusion. Do you really want to force teachers to become gender police? Do we really want to put agencies in the impossible position of deciding who belongs in which restroom? Do we really want to spend taxpayer dollars defending lawsuits over something as basic as going to the bathroom? It's not just unnecessary. It's reckless. It's truly dangerous.

Women don't need protection from trans people. Women need protection from harassment, from violence, from poverty, and from inequity. If you want to pass a bill to protect women, let's talk about pay equity. And I'll tell you, if you really cared about people, about human beings, you would recognize that trans women are already targeted, discriminated against, and subject to violence in a massively disproportionate way. It's unbelievably statistically dangerous to be a

woman of color, especially a trans woman of color, in the State of Texas. So let's talk about maternal health, let's talk about domestic violence, and let's talk about sexual assault survivors waiting for justice. But do not tell me that targeting women that look like my dear friend and colleague Jessica González or humiliating a little girl in a restroom makes women safer in Texas because it doesn't. It never has; it never will.

The bill is broad, it's sweeping, and it's dangerous in ways that its supporters cannot imagine and certainly have not thought through. It harms transgender people for sure, but I promise you, this is also going to harm cisgender women that do not fit the norms. It's going to harm children, families, businesses, and schools—all of us. Texans deserve better. We deserve better. We deserve a Texas where people can live their lives without being harassed. We deserve a Texas where government doesn't waste time policing bathrooms but instead solves the real problems our communities want us to come here and act on. We deserve a Texas where freedom truly means freedom for all. So I know what Texas can be. I know we're better than this. And I'm asking every single one of you to stand with me, stand with my dear friend Jessica González, and stand with Texans whose dignity is on the line. Vote no on this bill.

REPRESENTATIVE HICKLAND: Members, I support this bill. The man in Belton that Representative Orr mentioned in her opening remarks—that was my district. That case was just one of many examples that I used to show why it's absolutely necessary to designate that those convicted of invasive visual recordings as sex offenders in Texas. That bill passed both chambers unanimously. We all voted for it. Why do we have to wait for someone to commit a crime or for someone to be harmed before we take action to keep women in women's spaces and men in men's? I have two daughters. One is five, and one is 15. I expect to accompany my five-year-old into the restroom. I do not expect to have to accompany my 15-year-old, but that is increasingly a concern, and that is why this bill is necessary.

Why is there such an obsession with allowing men in women's spaces? This isn't just a theoretical issue. It's real, it's personal, and it affects everyday Texans. Protecting these spaces is about safety, privacy, and dignity. It's about commonsense measures to prevent harm before it happens. Earlier, a representative quoted from Matthew 7 about judging. I would encourage that representative to keep reading, because only a few verses later is a warning of false prophets—wolves in sheep's clothing. There's a warning for anyone who proclaims to know Jesus might not be entered into the kingdom if he does not know them. And I love to bring the example of Jesus here to this podium. He protected women. He elevated women. He honored women, and that's what this bill does.

REPRESENTATIVE L. GARCIA: Members, I stand here today in shock at what we as a state are choosing to become. I want to speak today as a mother. I have a daughter and son who mean everything to me. My son is a remarkable young man—quiet and a bit shy, yet deeply confident in who he is. He walks into this chamber in a suit and tie, wearing his long hair, and carries himself with a quiet strength that I am very proud of. Yet even here, on this very floor, I have had to

correct members who misgender him. Not because his identity is in question, but because of assumptions about how he looks. He is, in fact, a boy who chooses to wear his hair long. That alone has led him to being mislabeled right here in this very chamber. These moments may seem small, but they are exactly the kinds of assumptions this bill will turn into law. What starts as a mislabel in conversation becomes, through **SB 8**, a state mandate with real and lasting consequences. Those small moments will now be enforced by government power. They will cut deeply into the lives of children and families across Texas.

This bill does not make Texas stronger; it makes Texas less compassionate. It tells kids and families that their existence, or even their appearance, is a problem to be fixed rather than a gift to be embraced. If this legislature truly cared about protecting little girls, we wouldn't be focused on enforcing these restrictive norms. We'd be focusing on fostering a state where every child is respected for who they are. Instead, we are spending valuable time legislating cruelty. Every child in Texas deserves better. They deserve leaders who model respect and compassion, not lawmakers who write discrimination into law. Since when has Texas become the place where government decides who you are allowed to be? Every time this chamber chooses to demean, exclude, or erase, we fail the very people who sent us here.

Today, I stand against **SB 8**—for my son, for every Texan who has ever been told they don't belong, and for the future of this state that should lead with strength and compassion.

REPRESENTATIVE COLE: Before I was a state representative, I was a city councilmember, and my signature project was the Waterloo Greenway. The business community was united in opposition to this bill. They are still united in opposition to this bill. They were, by and large, republican. They said simply, "Sheryl, it's bad for business. It is not good for Texas." We are here again debating this bathroom bill. A bill that does not make Texas safer, does not solve a single pressing problem in our state, and instead targets some of the most vulnerable members of our community, as you have heard us say. My faith teaches me, above all else, to love thy neighbor. Religious leaders, like United Methodist bishop Joel Martinez of San Antonio—a well-known Texas civil rights leader—said, "Always stand on the side of the marginalized." And what about the children we are claiming to protect? What message do we send to them, those that stand in risk of depression, bullying, and even suicide, when we tell them that they are so dangerous and so unworthy that the state must ban them from using the restroom with their peers? We are telling them they don't belong. We are bullying them, and they are not safe. Make no mistake about it; kids are listening, and, as a mother, that is disturbing. This bill is cruel, it's unnecessary, and it is beneath us. We have real work to do—schools to fund, roads to fix, and health care to expand. Instead, we are here debating where Texans can go to the bathroom. I urge you, reject this distraction, reject this cruelty, and reject this bathroom bill. Texas is big enough for all of us. Let's prove it.

REPRESENTATIVE VIRDELL: We have spent hours overcomplicating a very simple bill. It's not rocket science. You would never allow a grown adult male to go into a bathroom with your granddaughter. It's that simple. There's nothing complicated.

ZWIENER: Thank you so much, Representative Virdell, for your grace in choosing to take questions. Representative Virdell, we've talked a fair bit today about the potential harms of this bill to trans folks, and, in particular, I cited a study from The Trevor Project from just last year that the passing of this type of legislation actually increased the suicide rate among trans youth. Does that concern you as you cast your vote and advocate in support of this bill?

VIRDELL: What I care about is my future granddaughter being safe in a bathroom that is multiple occupancy.

ZWIENER: What if your future granddaughter is trans? Are you still concerned about her safety?

VIRDELL: She won't be.

ZWIENER: How do you know that?

VIRDELL: Because it depends on how you raise them a lot of times.

ZWIENER: So your hope is that with legislation like this, fewer people will identify as trans?

VIRDELL: It's irrelevant. I'm trying to keep a male adult out of a bathroom that my future granddaughter would be in.

ZWIENER: What about children? You know, we talked about an example earlier of a little girl that's well-known in these advocacy spaces. You saw her today. You would decide she was a little girl and have no idea what was happening with her anatomy. How do you feel about that little girl having to go into a men's restroom?

VIRDELL: Let's say you have a little girl that identifies as a boy. Do you want her going into the males' bathroom by herself?

ZWIENER: I believe I get to ask the questions from this mic. I'm asking, do you want a little girl—who this bill would force to go into the men's restroom—to have to go in there?

VIRDELL: Wait, you're saying a little girl? This bill would stop that from happening.

ZWIENER: I'm talking about a young trans girl with long hair who wears dresses.

VIRDELL: You're talking about a male dressed as a girl. That's what you're saying.

ZWIENER: Do you want that child, who you and every other person on this floor would think of as a girl, to be forced to go into a restroom for men?

VIRDELL: I think it's simple. You're saying, do I want a male who's pretending to be a girl to go into a male bathroom? That's what you're saying.

ZWIENER: I'm talking about, yes, a trans girl who you would probably—

VIRDELL: No, you keep saying girl. But that's not a girl.

ZWIENER: We can keep arguing semantics all day long, or you can answer the question.

VIRDELL: I really don't want to go down the road of discussing genitalia again.

ZWIENER: You know, on that note, Representative Virdell, did you file an amendment on this bill?

VIRDELL: Yes. Yes, I did.

ZWIENER: Could you tell us what that would have been?

VIRDELL: No, it's not on the floor.

CHAIR (Speaker in the chair): The amendment is not before the house.

VIRDELL: We can live in fantasyland all day long, but this bill operates with reality.

ZWIENER: I'm not talking about fantasyland. I'm talking about real children alive today who are going to be scared to go to the bathroom anywhere because of this legislation.

VIRDELL: You're saying because of parents who enable them to not represent the actual gender that they are.

ZWIENER: Have you spoken to any trans youth or their families?

VIRDELL: No.

ZWIENER: Why not?

VIRDELL: Because where I'm from, we don't let that happen very often.

ZWIENER: Representative Virdell, I think if you spoke to some of these families, you might learn that they are families that fought this for a long time and then realized that—

VIRDELL: Where I'm from, we have values where we teach people that they are the gender they're born with.

ZWIENER: So what would you do if one of your children came out to you as trans?

VIRDELL: I would do everything I could to tell the truth to him.

ZWIENER: Would you choose a dead child over a trans child?

VIRDELL: All right, let's get off the hypotheticals.

ZWIENER: If your child came out as trans, would you find a way to still love them?

VIRDELL: This bill is about keeping males out of female restrooms. It's that simple.

ZWIENER: Representative Virdell, this legislation, through scientific study, is likely to increase the suicide rate—

VIRDELL: Which scientists? The scientists that say you can be a female when you're born a male?

ZWIENER: Social scientists that have done substantial research on what happens after we pass legislation. Let me change the line of questions a little bit. I know, Representative Virdell, that you—perhaps more than any member on this floor—are concerned about government overreach. Is that correct?

VIRDELL: That is correct. That's why I support the bill because it stays out of private.

ZWIENER: So this bill says that an agency or a political subdivision must use every reasonable means to make sure that somebody of a different sex doesn't enter one of these private spaces, as the bill defines them. What do you think is included in "every reasonable means"?

VIRDELL: You know, we could get down to speculation, but "reasonable" just means a reasonable attempt.

ZWIENER: Could you—I mean, does that include confirming everybody's identity at the door?

VIRDELL: I think you'll have to ask the author that question.

ZWIENER: Well, Representative Virdell, quite frankly, as members, all of us are deciding what this means today when we cast this vote. People are going to interpret our words as written. So what do you think "every reasonable step" means?

VIRDELL: I think you'll have to ask the bill author on that one. Sorry.

ZWIENER: So you're voting for this bill even though you are unsure if it's going to require identification at bathroom doors and unsure if it might require physically examining somebody to confirm if they're in the right restroom?

VIRDELL: Do you really think that would happen?

ZWIENER: I'm actually quite concerned that some of these things might happen in our jurisdictions.

VIRDELL: I don't think that'll happen.

ZWIENER: So why not vote no on this bill and come back with language that's more protective of that—that protects the government overreach I know you're so concerned about?

VIRDELL: I appreciate the compliment. I think it's unreasonable speculation to think that women would do that—or not that women would do that—security guards or anyone else would do that.

ZWIENER: Is it because your dislike of trans people outweighs your belief in small government?

VIRDELL: I don't dislike trans people. You're making an assumption there.

ZWIENER: Well, how do you feel about trans people?

VIRDELL: I think that we're getting off the topic of the bill.

ZWIENER: I think this is very relevant to the bill. Representative Virdell, why are you worried about trans people being around your family?

VIRDELL: It's not complicated. This was supposed to be a simple speech to begin with—I don't want males going to the bathrooms where my future granddaughter would be in. It's that simple.

ZWIENER: Representative Virdell, if you've read the language of the bill, you may have noticed it applies to a lot of other spaces, including a shared dorm room. Are you worried about being able to help your daughter move into a shared dorm room in the future because you're not allowed past the door?

VIRDELL: I would be very worried if I sent my granddaughter to college and she ends up in there with a male against her will. But here's the great thing: It wouldn't happen.

ZWIENER: I don't think that's answering my question at all because the language of this bill says that somebody could never even go past the door.

VIRDELL: I think you're trying to kill time instead of—

ZWIENER: No, I'm not trying to kill time. I'm trying to actually understand how you're looking at this bill.

VIRDELL: Yes, very simple, and I've said it many times. I'll repeat it as many times as it takes. It is not complicated. Keep men away from young females in bathrooms.

REPRESENTATIVE V. PEREZ: Representative Virdell, are you aware that the enforcement mechanism used in this is a civil mechanism that allows anybody to sue in this circumstance to enforce the provisions of the law?

VIRDELL: I don't have the bill in front of me at the moment.

V. PEREZ: Well, are you aware that what Texas is pioneering with this bill is also being used against gun owners in other states?

VIRDELL: I'd have to look that up.

V. PEREZ: Do you think more gun owners—from this type of legislation—are being impacted than trans people themselves?

VIRDELL: I don't think this is about the bill.

V. PEREZ: The enforcement mechanism that the government is imposing is weaponizing the courts to engage in lawsuits to conform to a certain behavior.

VIRDELL: I don't know of an amendment in the Constitution to protect transgender people from going into a bathroom with a young girl in it, where I do know that we have the Second Amendment.

V. PEREZ: Are you aware that the state of California used Texas' law to infringe on the rights of gun owners in their state?

VIRDELL: I am aware that California has multiple times violated the Constitution of the United States.

V. PEREZ: Are you aware that this law is going to result in more lawsuits against gun owners because the government is going to have more ability to sue gun owners in other states?

VIRDELL: I don't know why the guns would come into a lawsuit on this bill.

V. PEREZ: Because they're using the same methodology that they're using for this bill. If the next bill we're going to debate is to engage in lawsuits with gun owners, would you be okay with that?

VIRDELL: I think you're trying to take me down a rabbit hole right now.

V. PEREZ: No, I'm just asking: Would you be okay with another government using the same mechanism against gun owners? Because Texas is the one that invented this system.

VIRDELL: Are you talking about violating the Second Amendment? I would not be okay—

GARCIA HERNANDEZ: Mr. Speaker, members, and fellow Texans: Today I rise in strong opposition to **SB 8**, a bill that pretends to be about privacy and safety but is in truth about fear, division, and distraction. This bill is not about protecting Texans; it's about targeting them. It's a solution in search of a problem, just like one of my other colleagues stated.

This bill proposes sweeping new rules about who can use which bathroom or facility based solely on biological sex, but it does so without evidence that current practices are causing harm. There is no crisis of safety in Texas restrooms, and there is no epidemic of misconduct in public locker rooms. Instead, what we have here is a manufactured culture war written into law. Meanwhile, Texans are facing issues like skyrocketing property taxes, insurance premiums, utility costs, unaffordable housing, underfunded schools, overcrowded hospitals, and—even within my district—grappling with the fentanyl crisis. Yet here we are spending valuable time and taxpayer dollars debating who can use what restroom instead of how to make life better for all Texans. This is not about privacy; it's about punishment. This bill doesn't just regulate space. It regulates identity, and it targets transgender Texans—people who live, work, and love in our communities. It tells them, "You don't belong." It punishes political subdivisions, local governments, and schools with civil penalties up to \$25,000, which, after the last amendment, has been increased if they accommodate people in ways the state doesn't approve of. It invites everyday Texans to police another's identity and body. That's not safety. That's state-sponsored harassment.

SB 8 guts access to justice. The bill includes legal land mines used to block Texans from challenging it in the courts. If you believe the law is unconstitutional, good luck. The bill says no court in Texas can even consider that argument. If you try to sue, you could be forced to pay the state's legal fees, even if your case is dismissed for technical reasons. That's not justice. This is not who we are as Texans or as leaders. This bill tells some of our most vulnerable neighbors, kids, trans adults, and survivors of violence that their dignity and

identity are up for public debate. It tells educators and local leaders they can't be trusted to make decisions for their own communities, and it tells the courts—our last line of defense—that they are no longer allowed to defend anyone at all. There are issues we should be addressing instead if this legislature is serious about protecting privacy, dignity, and the well-being of Texans.

Here's what we should be doing: investing in health care—especially in rural areas that are about to lose hospitals; expanding mental health access; fixing our teacher shortage; strengthening the foster care system—really taking care of Texas children; and protecting the rights of all Texans, not just the ones who fit a narrow mold. Because those are the issues Texas families care about, not who's using what restroom in a public building. Let's choose unity, not division. This bill doesn't make us safer, it doesn't make us freer, and it doesn't make Texas more forward. It makes the law a tool of exclusion and our courtrooms instruments of silence. We can do better; we must do better. Let us not be remembered as the legislature that spent its time punishing Texans for who they are. Let us be the body that rose to meet the real challenges facing our state—the kinds of challenges I ran for and got elected to take care of.

To those being targeted in this bill—the many that were cleared from this gallery: I see you, I hear you, I stand with you, and I will never stop fighting for you along with my colleagues. I urge all of you to vote no on **SB 8**.

REPRESENTATIVE WARD JOHNSON: As a daughter and a granddaughter of a pastor and a family with a long line of teachers, I say this with love and conviction: Stop using religion as a weapon to divide and dehumanize. Scripture was never meant to be twisted into a tool for hate. When laying out this bill, the author mentioned her religion as one of the reasons for supporting this bill. When you use religion as an excuse to promote this bill, you're not spreading truth; you're spreading fear. For centuries religion has been used as a shield for harmful behavior to justify everything from slavery and authoritarian behaviors to racism and the Jim Crow South.

This bill isn't about safety. It's about control, fear, and judgment. I've traveled with my children. I wasn't worried about someone of another gender in the bathroom; I was worried about finding a clean bathroom without urine on the floor, fearing pedophiles and sex traffickers. This bill does not protect children. It would teach them fear. It will create bullies, embolden vigilantes, and set a dangerous precedent of suspicion and shame. Who decides who gets policed? Who checks under someone's clothes? You're giving that authority to anybody. What kind of world do we want? A world where privacy is invaded in the name of protection or in the name of religion, where discrimination is justified by our fear? The bill's author stated she wants all children to feel safe. Well, "all" means everybody. Even the kids that don't dress the way you think they should dress. In heaven—and we hope we all get to heaven—there won't be a section for transgender people, Black people, white people, republicans, or democrats—we're going to all be in there together. So let's be clear: This is not about righteousness; this is fear disguised as faith.

REPRESENTATIVE MOODY: You know, I don't think there's very many times that I come up to this microphone and don't think about my kids. I know many of y'all have that same experience. That reality sets in, and you think about looking in their eyes. Our kids are growing up in a very different world and a very challenging world. The unrelenting bullying, meanness, and hatred is what happens on a good day. We are opening the door to a lot worse with this, and that's what I think about. I also think about the parents of trans kids in Texas, who I have taken the time to meet with because I want to look into their eyes and understand the love that they have for their children and what they're trying to do for them. Some of them left this state.

You know—and I've heard a lot about safety and dignity in this conversation, but no law like this one has ever been about safety or dignity. This is about the exact opposite. It tells a vulnerable other that they're not safe and their dignity will not be respected. It's personhood for some at the expense of others. You know that's a fact because we asked for examples of people harmed earlier today, and there was a single example of how an uncomfortable young girl went home to change and lost class time. Not one example of an assault or another crime. Our law enforcement leaders have told us over and over and over at hearings that this is not happening. Meanwhile, there were 918 anti-LGBTQ incidents nationwide last year, including 61 in Texas. There have been 148 murders of trans people since 2017.

People weirdly obsessed with genitals have a false fear for their comfort, and those targeted by this bill have a real fear for their lives. The way I see it, the call's coming from inside the house. We had a witness eagerly threaten violence against trans people here at one of the hearings on this bill. More than once we've had a clownish political grifter walking the halls of the Capitol this session like the potty police. You're telling me that a grown man standing outside the bathroom leering at people is the good guy and the innocent people just trying to go pee in privacy are the bad guys? We are living in an upside-down world. People are scared, and it's not people who look like me or most of us. They're scared of what we are doing to them. And they should be. I'm simply ashamed of this bill. All of us should be.

J. JONES: This bill is not about protection; it's about persecution. It's not about safety; it's about shame. It's not about fairness; it's about fear. **SB 8** discriminates against a class of people who are constitutionally protected. It targets them, it stigmatizes them, and it criminalizes them. And when we legislate hate, people get hurt. We all know the truth. This isn't about protecting girls. It's about political theater, and it's about turning neighbors into narcs. It's creating what I call the "vagina vigilantes"—strangers empowered to decide, based on nothing more than their prejudice, who is man enough or who is woman enough to use the restroom. Women like me could be targeted—tall, athletic, wear their hair short, and have more muscles than a lot of men in this room.

Under this bill, if someone decides a woman doesn't look feminine enough, they could confront her, harass her, or worse. And this bill doesn't tell those women how to protect themselves. It leaves them vulnerable. I will tell you something else: I'm a grandmother, and I fear that this bill makes my

granddaughter less safe. It doesn't stop there, because when amendments were offered to keep IDs out of bathrooms, they were tabled. So let's be honest. This bill opens the door to ID checks just to pee. But what if you can't afford a driver's license? They cost money. What if you don't have a birth certificate because you lost it or you couldn't afford it or what have you? Are we really saying Texans can't use the bathroom unless they show their papers? That is bureaucratic brutality, constitutional chaos, and complete BS.

Here's what this Constitution says: The equal protection clause of the Fourteenth Amendment to the United States Constitution prohibits states from denying any person the equal protection of the laws. The due process clause of the Fourteenth Amendment protects the fundamental rights of privacy and bodily autonomy. The Fourth Amendment to the United States Constitution protects against unreasonable searches and seizures. This bill effectively authorizes strangers to police bodies and demand proof of sex with no probable cause and no legal process. And in Texas, Article I, Section 3, guarantees equality under the law, while Article I, Section 9, protects against unreasonable searches and seizures. The State of Texas does not control the federal courts. If federal courts have a federal question, subject matter jurisdiction, or personal jurisdiction, Texas courts cannot stop Texans from suing over this unconstitutional law. Period, point blank, full stop. Somebody said this bill is about keeping males out of female bathrooms. Well, that's absolutely a violation of the Equal Protection Clause.

This bill's author refused every amendment that would have clarified the rules of this ambiguous and unconstitutional bill. Instead, she accepted an amendment to increase penalties but rejected amendments that would have given women—women who are forced by this bill to use certain restrooms—the right to sue when they are profiled, harassed, or legally prevented from entering. She gave them punishment but denied them protection. As some of my colleagues have brought up Jesus and the Bible, let me remind you: While others judged Mary Magdalene, Jesus did not. He protected women, he honored women, and he honored her. Yet this legislature, instead of protecting women, is passing laws that expose them to humiliation, harassment, and harm.

This bill guarantees more violence, more trauma, and more legal liability for the State of Texas. And all the while, Texans are crying for real help—relief from record inflation, access to affordable health care, and solutions to the crises we actually face. Instead, republicans are wasting time pushing legislation that polices private parts. We teach our children, "Don't let anyone touch you on your private parts," but this legislature wants to legislate it. Republicans don't want to speak about genitalia, but this bill regulates genitalia. That's just wrong. It's hypocrisy at its worst. This bill weaponizes homophobia and transphobia. Some men and women are upset that some trans women are more beautiful than any woman they ever saw, and they're trying to hide their attraction. It creates a special danger for Black trans women who already face higher rates of harassment, violence, murder, and discrimination. Instead of protecting them, this bill paints bigger targets on their backs. And don't talk to me about protecting kids from mass shootings until you love kids more than you love guns.

SB 8 doesn't protect anyone. It provokes fear, it punishes differences, it promotes hate, and it sends the message that Texas has learned nothing from its failures. This bill is beneath the dignity of this chamber. What kind of state do we want to be? A state that empowers vagina vigilantes? A state that says, "Show me your papers before you pee"? A state that turns fear into law or a state that honors freedom, protects privacy, and defends dignity? I stand against this bill. I stand against discrimination. I stand with the Constitution. And as a relatively new grandmother, I urge you to vote no on **SB 8** to make sure that my granddaughter is safe from unlawful discrimination.

ORR: For generations, separate facilities for men and women were an accepted standard, and no one thought twice about that. It wasn't discrimination; it was a practical safeguard of privacy and modesty. Somewhere along the way we drifted into policies that blurred those lines, leaving families uncertain about what their daughters were going to face in school and locker rooms. **SB 8** is about restoring that commonsense standard and returning to a system that the vast majority of Texans still expect and support. This law doesn't introduce anything radical; it simply reaffirms that women and girls have the right to expect privacy in intimate spaces.

[**SB 8**, as amended, was passed to third reading by Record No. 124.]

CSHB 7 DEBATE - SECOND READING
(by Leach, Hickland, Troxclair, Pierson, Metcalf, et al.)

CSHB 7, A bill to be entitled An Act relating to prohibitions on the manufacture and provision of abortion-inducing drugs, including the jurisdiction of and effect of certain judgments by courts within and outside this state with respect to the manufacture and provision of those drugs, and to protections from certain counteractions under the laws of other states and jurisdictions; authorizing *qui tam* actions.

REPRESENTATIVE LEACH: I do have a floor substitute that I'd like to offer at the outset.

[Amendment No. 1 by Leach was laid before the house.]

LEACH: Good evening. It is my honor tonight to lay out **CSHB 7**, the Texas Woman and Child Protection Act. Members, this bill is about our fellow Texans. This bill is about our future fellow Texans, specifically. They are unborn, but they are alive. They are worthy of our focus and our work here tonight on this bill. Members, these fellow Texans have hands and feet. They have fingers, toes, eyes, eyelids, ears, and noses. They have unique personalities. They have brainwaves. They have heartbeats, and they have rights. And this bill is about protecting the rights of those fellow Texans—and protecting their moms, as well.

Members, the version of the bill in front of you tonight—**CSHB 7**—is the result of extensive work and collaboration between a multitude of individuals and stakeholders. To name just a few: Texas Right to Life; the Texas Conference of Catholic Bishops; Alliance Defending Freedom; Texas Alliance for Life; Texans For Life, the Texas Medical Association; and the Texas Hospital Association. This bill is carefully and meticulously crafted, and I believe this bill is compassionate to its core. Thanks to the Texas Heartbeat Act and the Texas Trigger Law, thanks to a multitude of pro-life pieces of legislation that this legislature has passed in recent years, and thanks to the Supreme Court's decision in *Dobbs* to overturn *Roe v. Wade*, the legal operations of the abortion industry in Texas have all but been shut down. But the abortion industry in Texas has not gone away. It has shifted tactics strategically. It's moved from brick-and-mortar facilities to mailing abortion pills online. Our data shows that every year anywhere from 20,000 to 30,000 abortion pills are mailed into the State of Texas. These pills not only terminate the life of the unborn child, but they also wreak havoc on a woman's body. These pills are deadly; they are dangerous, and under current Texas law, these pills are illegal. **CSHB 7** works to target this activity directly to stop those who are selling, distributing, and aiding the trafficking of these illegal abortion pills in Texas.

Members, let me briefly explain how the bill works. Subchapter A of the bill clarifies to whom the bill does and does not apply to. The bill provides an absolute shield to Texas licensed hospitals and Texas licensed physicians who remain in Texas, as well as anyone distributing, manufacturing, or providing these drugs in Texas for legitimate medical reasons. Subchapter B establishes a new prohibition on manufacturing, distributing, delivering, and providing

abortion-inducing drugs in the State of Texas, and Subchapter C authorizes qui tam lawsuits brought by private citizens against those who violate the statute. Subchapter D protects those bringing lawsuits against abortion providers from legal retaliation under the laws of other states, known as clawback provisions.

A few points I want to focus on and clarify tonight, not only for you members, but for the people of Texas: This bill, importantly, ensures that women cannot be sued for receiving or obtaining abortion pills. We ensure, at the same time, that bad actors, such as those who have committed sexual assault, family violence, abortion coercion, or stalking, cannot bring these qui tam lawsuits. We are protecting the identities and the personal health information of women who sought or who have obtained abortions—or who have sought and obtained abortion pills—and we have made sure that women who seek or obtain abortion pills cannot be subjected to Rule 202, discovery petitions, unless the woman consents to it.

Members, I know there are questions. I want to leave time tonight, in my opening, to address those concerns and to answer your questions. I've given you a high-level overview of the bill. I, again, want to thank so many of you who have collaborated and worked along with me on this bill. I want to thank our stakeholders, who have rolled up their sleeves to craft, like I said, not only, I believe, an effective piece of legislation, but one that is compassionate to its core. While I know there is strong disagreement on this issue, and I understand that, you have my commitment during this debate tonight—and until this bill passes and becomes law—to treat this conversation with the care that it deserves. I look forward to having a discussion with you, my fellow members, on this bill before we vote tonight.

REPRESENTATIVE ZWIENER: So my understanding is that this legislation is going to be enforced functionally by private suits brought, ostensibly, under qui tam. Is that correct?

LEACH: Correct.

ZWIENER: I wanted to walk through a few scenarios. My understanding is that the action can be brought either against someone who violates the terms of the bill or someone who intends to violate the terms of the bill. Is that correct?

LEACH: Correct.

ZWIENER: So there doesn't have to be—an abortion does not have to occur for there to potentially be enforcement?

LEACH: Correct.

ZWIENER: Okay. Here's one of these scenarios that I'd really like to walk through and see how this would play out: Let's say 15 years into the future my daughter is in college, and she has a boyfriend. She becomes pregnant, and she is not ready to start a family before graduating from college and wants to travel to another state to terminate the pregnancy. However, her boyfriend is opposed to abortion. Despite having no job as a full-time student, he refuses to accept her decision. As a parent, I call an abortion clinic in New Mexico, with my daughter

beside me, and ask the clinic what options we have, including whether the clinic could just mail the medication. Could her boyfriend sue me because I had the intent to violate this section?

LEACH: You'll have to clarify for me, Representative Zwiener. Is it the woman—the pregnant woman—who is calling, or is it you as her mother?

ZWIENER: The woman's parent is making the call.

LEACH: The woman's parent. Again, before I answer your hypothetical, which was very complicated—and I tried to track with you. This bill—of course the woman is protected. The mom is protected in any and all circumstances. Importantly, as well, Representative Zwiener, this bill has nothing to do with out-of-state travel. Earlier versions of the bill did include that; this version does not. If an individual, on behalf of the woman, is seeking to obtain illegal abortion pills in violation of current Texas law, then under that scenario, a qui tam lawsuit could be brought against that individual.

ZWIENER: So if somebody just asks the question with the intent to hopefully procure medication from a clinic, that person could potentially be liable under this type of lawsuit?

LEACH: Yes.

ZWIENER: And is it correct that not knowing that it violates Texas law and might subject them to such a lawsuit is not a defense under this bill, correct?

LEACH: Again, Representative Zwiener, you're an attorney, so you know that these hypotheticals—we have to be careful about hypotheticals. I'm happy to engage in this conversation, but so often these are highly factually sensitive and specific scenarios. The aim of the statute, the intent of the statute, and the words of the statute, I think, are very clear in holding those—giving the people of Texas a tool through the qui tam lawsuit to hold those who would seek to maintain, manufacture, distribute, or provide abortion pills in violation with state law.

ZWIENER: I mean, I think these are hypotheticals that are situations Texans may find themselves in soon. So what I'm trying to get clarity on is a family member who tries to help somebody who's pregnant, wants to terminate the pregnancy, and makes inquiries about abortion pills. They could potentially be held liable under this, correct?

LEACH: Correct. Potentially, yes.

ZWIENER: Another potential hypothetical: Misoprostol can be bought over the counter in Mexico. If a Texan goes to Mexico and buys misoprostol—not for an abortion, but for the ease of an IUD insertion, just in case their gynecologist refuses to prescribe it because of this law. But let's say that individual who went to Mexico also knows they might use it for an abortion if that's necessary, potentially for themselves or for a friend. If a dinner guest discovers that pod of misoprostol in their bathroom, could that guest bring this type of lawsuit against that person who bought misoprostol in Mexico?

LEACH: No. And I think that, Representative Zwiener, you've exemplified, or demonstrated, I think, a misunderstanding of the statute, because it is very clear in the statute that the gynecologist who you mentioned was afraid in that situation—I think those were the terms you used, fearful of prescribing that medicine to that woman—that is actually protected under this law. So if that woman needed that medicine for a medically necessary purpose, then that gynecologist, that doctor, or that physician should still be—and is still—protected to prescribe that medicine to that woman. So she wouldn't have to go to Mexico, Representative Zwiener.

ZWIENER: Well, I think, unfortunately, we've seen a lot of nervousness around prescribing these medications, even for non-abortion-related purposes. But in my scenario, if somebody goes to Mexico and buys, just in case, misoprostol over the counter without ever intending to use it for a specific abortion or to give it to a friend for a specific abortion but knows that they might—could they potentially be held liable under those facts?

LEACH: No. I mean, you're talking—first of all, the abortion-inducing drugs, as defined in the statute, are not just the misoprostol. It is the—you need the other drug to terminate the life of the baby. That other drug you're talking about is used normally 24 to 48 hours after the other medication. That causes the uterus to contract and expel the deceased baby. So the gynecologist, in that situation, should still be able to prescribe that medicine to that woman. She does not need to go to Mexico. This bill does not affect that in any form or fashion.

ZWIENER: Again, my question is the hypothetical of someone going to Mexico—which, people do cross over to Mexico for prescription drugs.

LEACH: That medicine taken alone—you know the answer to this, Representative Zwiener. That medicine taken alone is not going to induce an abortion.

ZWIENER: I actually beg to differ on the facts of that, but I can't get the definition pulled up quickly enough.

LEACH: That's not me saying that; that's science and medicine that saying that.

ZWIENER: I have met women who have traveled to Mexico and bought misoprostal to terminate pregnancies. That's happening today because of the laws we've already passed. But I'll move on. There's been some discussion about a new provision that was not in the filed version of the bill. If the claimant or relator—the person who brings the lawsuit—is not related to the person who sought or used the drugs, that person is entitled to 10 percent of a minimum of \$100,000, correct?

LEACH: If they're the relator, yes.

ZWIENER: Are you concerned about that creating sting operations—people creating scenarios just to try and pursue these dollars, even though no abortion is occurring?

LEACH: I do not share that concern. Let me put it this way: I am not concerned about that. It might happen, but it's not a concern of mine.

ZWIENER: So is that a goal of the bill?

LEACH: The goal of this bill is to induce compliance with Texas laws.

ZWIENER: Okay, but it's creating new Texas law as well to induce compliance.

LEACH: It actually is—sure, we're creating a new law here; however, we're not changing fundamental abortion laws, Representative Ziener. What this bill is about is giving us additional mechanisms to enforce existing abortion laws in the State of Texas.

ZWIENER: But to be clear, an abortion does not have to happen for somebody to have a claim under this bill, right? There just has to be some level of intent to move the medication into the state.

LEACH: Correct. That is very clear in the bill, Representative Ziener. The mailing, distribution, manufacturing, and the providing of these pills, Representative Ziener, in violation with Texas law—that is the actionable claim here in the qui tam lawsuit.

ZWIENER: Okay. Coming back to that claimant and relator. They can designate a charitable organization to receive the rest of the penalty under this law, correct?

LEACH: They not only can, they have to.

ZWIENER: Okay. Could a lawyer who works pro bono for a charitable organization designate that charitable organization as the beneficiary of the money recovered from the lawsuit?

LEACH: If it's a 501(c)(3). The bill is very clear that the relator cannot have an interest—a financial interest—in the charity that's chosen. So in that situation, no, that couldn't happen.

ZWIENER: What if a tax-exempt organization—let's just call it Sovereign Love Church—that is not required to disclose its donors under federal law receives donations under what is called a "donor-advised fund," where the relator puts the money or assets into the fund, takes a tax deduction, and then tells that fund where the donations go? You direct your money to go to Sovereign Love Church, except Sovereign Love Church is actually the one who's been paying the lawyer who is the relator in the case. Because it is not required to disclose its donors, how will Texas taxpayers ever know of the relator designated in the first place?

LEACH: I don't even know what you just asked me. I'm sorry. I tried to follow you, but I was unable to do so.

ZWIENER: I think the concern is whether or not people can use some of these donor-advised funds in order to find ways to funnel money back to organizations that are employing them outside the provisions of your bill.

LEACH: No, you cannot. The provisions of the bill are clear, Representative Ziener. The relator cannot have a financial interest of whatever entity it's going to. That's the purpose of the bill.

ZWIENER: How would that be enforced by a tax-exempt organization that is not required to disclose its donors?

LEACH: The court, in that situation, would—it's supposed to be held in trust, actually. The bill calls for it to be held in trust for the benefit of the charity. So again, Representative Zwiener, that is so highly factually sensitive and specific that it is impossible for us here to determine how that law might be applied in that situation. Everybody is expected to comply with state and federal law, including the relevant applicable tax laws.

ZWIENER: Well, with due respect, I do think our job here is to think through all those factual scenarios and make sure we don't have unintended consequences.

LEACH: And with due respect, I believe that we've done that, which is why we've crafted the legislation in the way it's crafted.

ZWIENER: I do have one last hypothetical. One. Let's say the relator is employed by an anti-abortion charitable organization. Can the relator donate 90 percent of the money to a charitable organization that is not in privity with the relator directly but does have a financial relationship with the relator's employer? An anti-abortion charitable organization? Could they donate to a sister organization for their employer?

LEACH: Sure.

ZWIENER: So if you had, say, a (c)(3) and an action fund that are sister organizations and the lawyer works for the action fund, they could donate that money to the (c)(3) arm?

LEACH: We expect the law to be complied with, Representative Zwiener. The law is very clear when it comes to what charities can and cannot be chosen by the relator. So we expect the bill to be followed.

ZWIENER: But to be clear, the bill as written would allow someone who works for an action fund—who is the relator—to then donate the money to the main organization?

LEACH: Representative Zwiener, again, with all due respect, without knowing exactly the legal relationship between the entities you're talking about, without seeing the documents, without knowing if it's a 501(c)(3) or a 501(c)(4)—

ZWIENER: Well, action funds are generally 501(c)(4)s, and then, usually, the sister organization is a (c)(3), like a 501(c)(3). So that's the hypothetical I'm talking about. They usually have overlapping boards but not always. And sometimes they overlap in staff. I'm talking about a situation where the attorney works only for the (c)(4) organization. Could they then donate the money to the (c)(3) organization that shares the same board and operating staff?

LEACH: Representative Zwiener, I believe so, yes. However, the bill is clear, and the court would be involved in that situation. We would expect that state and federal law, including this bill, would be complied with by everybody involved.

REPRESENTATIVE HARRIS DAVILA: Would you agree with me that the purpose of this bill is to protect women, both born and unborn?

LEACH: Yes.

HARRIS DAVILA: Thank you. And would you explain a little bit about how this bill does that?

LEACH: Thank you, Representative. This bill, like I said—when I say it's compassionate to its core, I mean that. Of course, this bill is aimed at the protection of innocent unborn life in Texas. I would remind the members, in response to your question, that we are not changing existing abortion laws. Members know that these pills that are being shipped into Texas right now are illegal under Texas law. We're not changing that. That is current law. And we expect, whether you live and reside in the State of Texas or outside the State of Texas, we expect for our laws to be followed. And that's what this bill is about. For those who are knowingly and intentionally breaking our laws, they should be held responsible. Not only does it protect innocent unborn life, but it also protects the woman. We have story after story after story of women who have been severely impacted medically, emotionally, and in every other way by the damage that these pills can and have done to their bodies. So yes, this bill is about protecting innocent unborn life, but it is also about protecting women.

REPRESENTATIVE MONEY: Mr. Leach, I want to thank you for the hard work you've done on this bill for, I think, months and, especially, these last few weeks. What I'd like to focus on, if you don't mind, is the purpose and reason why this bill is important, not as much of the mechanics of how it works. And I think you and I will agree on this, but the purpose is to protect these Texas babies. Is that correct?

LEACH: That is correct, yes.

MONEY: And I think you believe, as I do, that every human being is created in the image of God. Is that correct?

LEACH: I do, yes.

MONEY: I think you believe, as I do, that life begins at conception. Is that right?

LEACH: I do believe that, yes.

MONEY: And you had a beautiful statement in your opening, where you described that unborn child—their hands, their feet, their thoughts, their dreams, and even that they have rights; is that correct?

LEACH: That is correct.

MONEY: Since 2003, Texas has defined a person to mean "a human being who is alive, including an unborn child at every stage of gestation from fertilization until birth." Do you agree with that statutory definition?

LEACH: Yes.

MONEY: The purpose of your bill, I think, is to protect baby Texans from being murdered. I want to thank you. Your post this morning says, "Today feels like a great day to save some babies." And we got a perfect opportunity to do so. So I want to support your goal of protecting these babies from being murdered, and I want to ask you: Is there anyone you believe should be able to legally murder a born or unborn Texas baby?

LEACH: Say the question again.

MONEY: Is there anyone you believe should be able to legally murder a born or unborn Texas child?

LEACH: No.

MONEY: Thank you. Because those unborn Texans have rights, just like the rest of us. Is that correct? At least the right to life.

LEACH: They do.

MONEY: And some of us have different rights—like the right to vote, the right to marry, the right to contract—but a three-year-old child and a three-week gestational child are both created in the image of God and entitled to equal protections and laws in the State of Texas, is that correct?

LEACH: Correct.

REPRESENTATIVE MOODY: I just wanted to ask a few questions to straighten out some confusion that some folks had that occurred as the committee was closing on your bill last week. So am I correct that **CSHB 7** authorizes a private right of action against someone who violates the law regarding abortion pills being sent into the state?

LEACH: Yes.

MOODY: **CSHB 7** prohibits the government from having anything to do with that lawsuit, is that correct?

LEACH: Sure. I mean, yes. There can't be collaboration between the government and the qui tam relator. Those provisions are outlined very clearly in the bill.

MOODY: Thank you; I appreciate that. Isn't it true that **SB 8**, otherwise known as the heartbeat bill, from 2021 also authorized a private right of action and prohibited any government involvement in those suits?

LEACH: I don't have **SB 8** in front of me right now.

MOODY: Did it have a similar construct to the one that we've described?

LEACH: Yes. And it's interesting that you mentioned that, Representative Moody, because there have been some, I think, interesting concerns brought up about how many lawsuits have been filed under the Texas Heartbeat Act. There have not actually been a lot of lawsuits brought, and the reason for that is because the Texas Heartbeat Act is working as intended. We passed that bill, and we used the provisions therein to induce compliance with Texas laws to encourage compliance—force compliance, I should say—with Texas laws. And for the most part, it's being complied with. My hope with this statute is much the same: When we pass it and the governor signs this into law, individuals inside and outside the State of Texas will take note and will comply with the law.

MOODY: I appreciate that, and I want to just focus on one case. I assume you're aware that on December 9, 2021, in the *Van Stean* case, Judge David Peeples, a conservative Republican, declared the private right of action in **SB 8** unconstitutional under the Texas Constitution.

LEACH: I don't have that holding in front of me, Representative Moody.

MOODY: Okay. As a matter of public record: Are you not aware of the order declaring certain civil procedures unconstitutional in issuing a declaratory judgment from Judge Peeples?

LEACH: I'm aware of that, yes. The Texas Heartbeat Act has been ruled constitutional and is currently in full force and effect in the State of Texas.

MOODY: Okay, so then I want to go through that timeline with you. Are you aware that Judge Peeples' order stated that a plaintiff can only be given standing to sue if the plaintiff has been injured?

LEACH: Not advised.

MOODY: Do you have any reason not to believe what I'm proposing here as part of the order?

LEACH: Not advised.

MOODY: Are you aware that your bill, in the proposed Section 171A.101, permits a person to sue without being injured?

LEACH: Correct.

MOODY: Am I correct that **CSHB 7** allows a private person to enforce the law against sending abortion pills into the state?

LEACH: That is what a *qui tam* lawsuit is, Representative Moody, as you know.

MOODY: Thank you. Are you aware that Judge Peeples, in his opinion, also said that **SB 8** unconstitutionally violated the separation of powers doctrine by delegating an executive function and enforcing the law to a private citizen?

LEACH: I'm not advised. I don't have the holding in front of me, Representative Moody.

MOODY: We have the similar provision in your bill. An opinion that would be directly on point to the similar provision is not one that you're familiar with?

LEACH: Representative Moody, this bill in front of us now stands alone on its own. I believe that we have carefully crafted it with painstaking attention to detail to make sure that we're complying with the relevant laws. I'm confident that should this bill make it to the United States Supreme Court, that it will be ruled constitutional. We expect our laws to be complied with, Representative Moody. We're not changing the underlying abortion laws of this state.

MOODY: I understand that. Are you aware that the *Van Stean* case was appealed 48 months ago, but this legislature still does not have an appellate court ruling on the constitutionality of these private rights of action that are housed in this bill?

LEACH: Representative Moody, I am well aware of who provided you these questions, and I believe that they have legit concern about—as you and I have concerns, as well—about appellate courts that have been slow in this area to

make and render decisions. I share that concern with you—not only on this case but on all sorts of civil lawsuits in the State of Texas. But that's not relevant to the bill in front of us now.

MOODY: So you don't find it relevant when there is an analogous provision that currently has not been finally litigated in terms of constitutionality? In fact, the only order we have is that it is unconstitutional, yet we are going to—

LEACH: I'm confident that that law is going to be held up in full force and effect.

MOODY: I appreciate your confidence in the matter, but the fact of the matter is that has not been resolved in the courts.

LEACH: It's not relevant to the bill in front of us, Representative.

MOODY: It is relevant because it's an analogous provision in your bill that has not been litigated on constitutional grounds. It's still being appealed.

LEACH: Representative, okay, I'm sorry to talk over you, but this legislature is not going to refuse to act because of Judge Peeples. We're not. So you might take that position, and the people that you're asking those questions on behalf of might take that position, but the pro-life legislators in this room, in the senate, and the millions of pro-life Texans—

[Amendment No. 1 was adopted by Record No. 125.]

REPRESENTATIVE LOWE: I rise today neutral on **CSHB 7**. This bill, while well-intentioned, simply kicks the pro-life can down the road. Ask yourselves: What does it truly mean to be pro-life? To me, it means protecting all human life, including the preborn.

While I believe this bill is well-intentioned, it does not actually abolish abortion. It creates another roadblock, another layer of regulation, without providing ultimate accountability for the murder of preborn children. This house has passed monumental pro-life legislation over the years, yet abortions continue. The pro-choice industry finds ways to circumvent existing laws to profit from the killing of the preborn. I cannot support **CSHB 7**, as **HB 2197**—the bill that would have completely abolished abortion and provided for the equal protection of the unborn—was killed in a committee during the regular session by many of the same pro-life groups and individuals that are now backing this bill. That tells you everything that you need to know. They're not fighting for equal protection; they'd rather let children continue to die than be considered "too extreme."

Let me remind you that our own party, the Republican Party of Texas, clearly stated in Plank 23, equal protection for the preborn: "We urge lawmakers to enact legislation to abolish abortion immediately, securing the right to life and equal protection of the laws to all preborn children from the moment of fertilization, because abortion violates the United States Constitution by denying such persons the equal protection of the law." Also, Plank 195, abolish abortion: "We urge the Texas Legislature to enact legislation to abolish abortion by immediately securing the right to life and equal protection of the laws to all preborn children from the moment of fertilization and to oppose legislation that discriminates against any preborn children and violates the United States

Constitution by denying such persons equal protection of the laws and to adopt effective tools to ensure the enforcement of our laws to protect life when doctors and district attorneys fail to do so."

CSHB 7 fails both these standards. It is not equal protection, and it is not abolition. Bills like this do everything but abolish abortion. They provide a way to say we're winning on the issue while preventing it from being solved. Entire organizations have been built, and continue to thrive, on regulating abortion, not ending it. Today, I am white-lighting this vote. I cannot in good conscience vote against this bill with those who support the murder of preborn children. But I also cannot vote with many of you—very well-intentioned and great conservative patriots—who support the incremental approach to ending abortion. Republicans have held the majority in the house for over 20 years. If we truly wanted to abolish abortion, we could. This is a tough vote, and it may come with political consequences, but if there's even the slightest chance to stop incrementalism and finally abolish abortion, then I believe we should stand firm. After all, there's nothing more important than protecting the lives of children, both the born and the preborn. If we are not willing to risk everything to defend the defenseless, then what are we even doing here?

REPRESENTATIVE HOWARD: This Big Brother, nanny state, Wild Wild West piece of chicanery—conceived by Jonathan Mitchell, who also gave us **SB 8** and the bounty hunter scheme—is once again using that same scheme in order to bypass the courts and impose his will on the rest of the country. The way this bill is written would open Texas courtrooms to \$100,000 bounty-hunting entrapment schemes. Jonathan Mitchell knows he can't get what he wants through the traditional court system, so he's changing the rules of the game by upending the civil court system to achieve his goal. He does this by allowing anyone, anywhere in the world, the standing to sue out-of-state manufacturers, distributors, and providers for ensuring Texans' access to safe medications. I'm not a lawyer, but it doesn't take a lawyer to see when the Constitution is being put through a paper shredder.

CSHB 7 abuses the civil court system to allow Jonathan Mitchell's vigilantes to use lawfare to intimidate Texans and out-of-state providers, manufacturers, and distributors. And despite the claim, the purpose of this bill is not to protect women. If it were, then there would be a minimum requirement that someone prove harm before being allowed to pursue a lawsuit. But this bill isn't about protecting women. This bill is about giving Jonathan Mitchell and his cronies a \$100,000 slush fund to pay for their legal assault on their rights.

During my first decade in this house, we took pride in the fact that as Washington, D.C., was becoming more divided and partisan, the Texas Legislature continued to work on a bipartisan basis to solve the problems facing our state. We understood the value and importance of working together to achieve common goals. But over the last few sessions, there's been an increasing departure from this ideal. Instead of rejecting D.C. hyperpartisanship, some are now embracing it and no longer respecting the truth that we are all entitled to represent our districts, however conservative or liberal they may be.

I sat through both committee hearings when this bill was heard because I wanted to hear from Texans who made the time to come to Austin and express their opinions—the majority of whom wholeheartedly rejected this bill and pleaded with us not to pass it. Every day my inbox is flooded with e-mails from constituents, both in my district and across the state, asking us to oppose any form of **CSHB 7**. Texans know when they are being lied to, and they know this bill is a wolf in sheep's clothing. They know **CSHB 7** will do nothing to protect women and are asking us to prioritize their safety over political gains, because this bill, like all anti-abortion bills, will harm women and could even lead to more pregnant women dying because they couldn't access lifesaving medications. That's what abortion bans do: They hurt women.

I came of age before *Roe v. Wade*. I remember what it was like when women sought abortions in back alleys and undisclosed apartments, used coat hangers, and drank turpentine, often dying. And *Roe* changed that. After *Roe*, women across the country could access safe, legal abortion health care services. It was revolutionary and liberating, and it saved women's lives. For many of us, we finally had agency to determine our own destinies, to pursue educational and employment opportunities because we had the power to decide if and when we wanted to start a family. A choice, I will remind you, the other half of the population—the sperm donors—have always had and will continue to have. Abortion bans do more than just impact a person's opportunities; abortion bans deny women the freedom to seek safe health care services and have the potential to force them into dangerous situations.

Let me be clear: The only reason we have not seen a return to the days of coat-hanger abortions is because of the medication abortion pill. These pills are proven to be safe and effective. Medication abortion pills are reported to safely terminate a pregnancy close to 99 percent of the time, with only a 0.4 percent rate of complications and a mortality rate of 0.00064 percent. And we're all painfully aware from our own Maternal Mortality and Morbidity Review Committee that deaths actually from pregnancy are significantly higher. According to the FDA, from 2000 to June 2022, there were only 28 deaths out of 5.6 million women who took mifepristone. Comparatively, the risk of death by penicillin is four times greater than it is for medication abortion. And the risk of death by Viagra is 10 times greater. Where's the Life of the Father Act to protect these men?

We've spent the last decade chipping away at a woman's right to self-determination and autonomy. Session after session, this legislature has passed legislation to create obstacles to abortion health care services while decrying the rising maternal mortality rate. You chose to prioritize bans over access, and women have died as a result. So I ask: When will this be enough? How many women have to die or suffer severe bodily injury because they couldn't access the care they needed before you all realize bans are not the solution?

In the dissenting opinion to *Dobbs*, Justices Breyer, Sotomayor, and Kagan reference the balance that the previous court struck in *Roe* and *Casey*. They spoke about how the previous court understood that Americans held profoundly different views when it came to abortion health care, so they did what they are

called to do when values and goals compete: They struck a balance. They found a way to balance the interests of a woman who seeks an abortion—health care—and the interests of potential life after viability. This is the way public policy should be decided. Our constituents look to us to lead and strike the right balance in the law on their behalf. This bill, and the others that came before it, not only discard that balance; they also put our constituents in harm's way in the process. After **SB 8** went into effect, the risk of serious adverse outcomes, including sepsis, significantly increased from 24 percent to 38.5 percent—that's the heartbeat bill. Since the trigger ban went into effect, sepsis rates rose by over 50 percent among women hospitalized for second-trimester pregnancy loss. The fact is that if you really want to protect women, then you will allow them the medical freedom to work with their doctors to decide the best path forward for themselves, including access to all forms of medical intervention and treatment necessary. You would not tie the hands of their physician, require them to travel long distances, or force them to carry a fetus to term that threatens their health and well-being.

Let me be clear: I will always support policies that seek to improve and save the lives of Texas moms. I have championed legislation to address maternal health deserts, increase access to reproductive health care services, and decrease the state's maternal mortality and morbidity rate. I'm proud to have had the honor to work on **SB 11**—the Life of the Mother Act—with Representative Geren and others and will always do what I can to pass legislation that will ensure every Texan has access to the health care services that they need to thrive, because I am pro-life. So my colleagues and I who oppose this bill are also pro-life. We consistently support legislation that actually seeks to improve the lives of Texans. We support measures to increase funding for education, expand Medicaid so more Texans can access affordable health care services, and so much more. In fact, it is because I am pro-life that I cannot fathom supporting this bill. I cannot support a bill that could create a situation where more pregnant Texans will die because they couldn't access the lifesaving care that they need.

We don't have to pass this bill. We can focus on legislation that provides Texans access to the preventative health care services they need so they are healthy when they choose to become pregnant. This bill is not pro-life. It is not about protecting women and children. **CSHB 7** is about control. It's about checking boxes on scorecards. And just as **SB 8** proved to be deadly for Texas women, as we were warned, I'm warning you now: **CSHB 7** will also be deadly for Texas women.

REPRESENTATIVE DUTTON: Thank you for yielding. I've been struggling with this whole notion that most of the people supporting this bill are pro-life. But I'm questioning whether or not that's really what they are or whether or not they just happen to be "pro-birth." And I wonder if, like me, you understand that just having a child and making sure a child is born—our obligation doesn't stop there?

HOWARD: I agree.

DUTTON: And so if it stops there, you were just pro-birth. You're not pro-life. "Pro-life" would suggest that you ought to do everything you can to make that child's life worth living.

HOWARD: I agree.

DUTTON: And that would include expanding health care and doing all the things that are necessary for that child to grow and become an adult that we all want it to be. But if you stop your obligation to that child after birth, I don't know how you can call yourself pro-life. I've told people, "I'm pro-life too," but I think "pro-life" means for me that I'm going to support that child to make sure that child has all the bells and whistles that have nothing to do with how much money their parents have, where they live, or anything like that. So I just hope all of us would become pro-life.

HOWARD: I agree.

REPRESENTATIVE V. PEREZ: Today's debates, at their core, are not about abortion pills or gender assignment policies—though many Texans will certainly feel the painful consequences of these laws. They are about an emerging form of governance that Republicans in this state are unleashing to regulate people's behavior. They are about the decision to outsource enforcement, deputize citizens into a surveillance economy, and turn courts into instruments of social control. They are about building a private bounty system that pits people against each other. They are about teaching Texans to watch each other, report each other, and profit from each other's pain. My colleagues who are advancing this bill want you to believe it's about protecting women and protecting children because they can't sell what it actually does. It's a form of government-sanctioned surveillance of people's behavior: state power without fingerprints; government policy carried out by the hands of ordinary people, pointed at other ordinary people for cash rewards. This is what unchecked power looks like—government expanding into the most private corners of life, using citizens as tools of enforcement, and weaponizing courts to police personal decisions and conduct.

This bill is another blueprint. It bans conduct not through normal processes of state enforcement but by deputizing private citizens to sue. It sets penalties so severe that the threat of financial ruin alone will silence opposition. Let's speak plainly about the cruelty this bill unleashes. Consider a case of rape. Republicans will tell you that under this bill, a woman herself cannot be sued for receiving an abortion pill. But here's the ugliness: In cases of rape, her perpetrator's family can profit from that crime and from her trauma—his father, his siblings, his grandparents—as if the woman violated has no standing in her own life, but the rapist's relatives can walk into a courtroom and collect a check for \$100,000. In addition, this bill gives those family members six years to do it. Six years to drag her doctor, her counselor, or her friend into court. Under current Texas law, if a woman is raped, she only has five years to sue her attacker. Think about that. This bill gives more time to enforce control over her body than she has to hold her rapist accountable. That is the cruelty and insanity of Republicanism in 2025. And it doesn't stop there. Male abusers, so long as they don't have a formal conviction on their record, will also be allowed to profit off their partner's pain

and trauma if she receives an abortion pill. Most abuse is never reported, never charged, and never adjudicated. Those men are not barred and can collect a check up to \$100,000. Those men—those abusers—would still have the power to weaponize law against their victims, their victim's doctors, and their victim's friends. Republicans are preparing to hand abusive partners a new legal weapon to use against the women in Texas.

This bill is sick and twisted. If you continue to normalize this form of governance, it will not stop here. By weaponizing governmental institutions in Texas, you are writing the big government playbook that will be used against people's rights and freedoms in other states. Because of what Republicans have pioneered here, California has already borrowed your model to target gun owners. Ask yourselves this: If you wouldn't trust Democrats to wield this power to police people's conduct, then why would you hand that power to government at all? Everyone in Texas ought to speak with one voice about this—every industry that depends on predictable rules and interstate commerce, every house of worship that believes in conscience, every citizen who understands that once this tool exists, no value you hold dear will be safe from it because this mechanism is portable. Today it's used against a practice you oppose. Tomorrow it will be used against a freedom you cherish.

Let me show you how easily this spreads. THC and hemp products—instead of relying on regulators and prosecutors, this legislature can give private citizens the right to sue manufacturers, distributors, and retailers with tens of thousands in fines and freeze the market. Immigration—Republicans can deputize citizens to sue landlords who rent to the undocumented, charities that provide transportation, and churches that offer shelter. It will be a police state on steroids. Guns—imagine democrats writing a law that allows lawsuits against parents who fail to lock up firearms, allowing any neighbor, coworker, or family member to sue. IVF and fertility treatments—imagine a state empowering private citizens to sue doctors, clinics, or even parents over embryos created through IVF. Instead of protecting families, the bounty model could be used to intimidate and shut down fertility care, dragging private family decisions into the courthouse. Prostitution or criminal conduct—imagine a state decriminalizing offenses it wants to police and converting them to private civil bounties that sidestep due process protections. Neighbors could sue neighbors for allegations that will never see a jury—decided not on proof by a reasonable doubt, but on the much lower threshold of preponderance of the evidence. These aren't exaggerations—some are already happening. Because of what Republicans in this chamber, in this legislature, and in this state have set into motion with this very law—and laws just like them—other states are copying it. That is the politics of division you are accelerating. Fifty states deputizing their citizens to punish the other side's behavior.

A few weeks ago, a Republican in this chamber was asked on national television why Republicans are redrawing maps in the middle of the decade with no new census data—all of these remarks are confined to this very bill. The answer was: Because we can. That is what raw power divorced from principle looks like. That answer wasn't about maps; it's about power. Once a government

accepts "because we can" as the guiding principle, there is no limit to where it can be applied. Members, this is what happens after 30 years of one-party rule. Checks and balances disappear. The answer "because we can" starts to feel normal, even righteous. This is exactly what Thomas Jefferson meant when he said that "the natural progress of things is for liberty to yield, and government to gain ground." Republicans in this state and across this nation need to wake up to what is happening here, precisely with this law. This bill isn't protecting anyone; it's hurting all of us. And the people pushing it must also be held accountable. That accountability starts at the ballot box. Vote no against this insane bill.

REPRESENTATIVE BOWERS: Members, what we are doing here today is not theoretical. It is real, it is cruel, and it is dangerous. Our state's abortion ban does not allow exceptions for rape or incest. That means children—children—who cannot legally consent, children who have been violated by family members or strangers, are forced to carry pregnancies to term. Think about what that means. A 10-year-old in the Midwest already endured this horror. In Texas—it could just as easily be a child here, even your child. Under our own laws, a child under 14 cannot consent, yet our abortion ban tells that same child, "You must now become a mother." That is state-sanctioned cruelty. Some will call this "pro-life," but let's be honest: There is nothing pro-life about forcing a 14-year-old to bear the child of her rapist or her father. That is not life-affirming. It is trauma-affirming; it is government-mandated suffering, and Texans know this is wrong. Eighty-three percent of Texans support exceptions for rape and incest—83 percent. This legislature is once again ignoring the will of the people while turning its back on the most vulnerable among us.

Members, this amendment was an opportunity to insert compassion into our laws. By rejecting it, this body is choosing cruelty instead. So today, I urge you to stand on the side of compassion, common sense, and Texans themselves. Vote no on this bill, and do not force children to become mothers. Do not deny survivors their chance at dignity and choice.

REPRESENTATIVE PLESA: Members, **CSHB 7** is not about protecting women. It's about controlling them. This bill strips away access to safe, proven FDA medication and replaces medical judgment with political judgment. Let's be clear: The consequences are not abstract; they are real. They are deadly, and we have seen them. Every month, thousands of Texas women, quietly and safely, use medications to manage their health and manage their pregnancies. This bill would force them into fear, into secrecy, and into dangerous situations. By cutting off access to medication, **CSHB 7** risks women's lives. It risks leaving ectopic pregnancies undiagnosed, it risks managing hemorrhaging, it risks infection, and yes, it risks death. We have already seen what happens in our state when we pass these kinds of laws. When doctors are forced to second-guess lifesaving care out of fear of persecution, women are left waiting until they're on the brink of organ failure. We have all heard these stories. We have all read these headlines. And now, **CSHB 7**—we go further.

This bill empowers vigilantes to harass women, doctors, and even delivery drivers. It invites lawsuits against anyone connected to care, no matter how far outside of Texas they may be. Think about that. Think about that for a second,

members. Instead of compassion, we're exporting cruelty. Instead of protecting freedom, we are building a legal net to trap women wherever they go. Members, I ask you: What kind of state do we want Texas to be? One where government dictates the most personal, painful, and private decisions a woman can face? One that trusts women, trusts families, and trusts our doctors to make decisions?

I stand here heartbroken because I know the vote count. Y'all aren't even listening. Y'all literally do not even care. I know this bill will pass, but guess what? Tonight, I'm not speaking to y'all. I'm speaking to the Texans watching. I'm speaking to the grandmother, my constituent, who called my office earlier in tears because she's concerned about her pregnant daughter and her life—that's who I'm speaking to. And I'm saying to them, "You are not alone. There are still members on this floor that value your life over their Republican scorecards. Moreover, there are still members on this floor, like me, who value your life over politics."

We should all be here because we care more about protecting Texans than protecting our political futures. Sadly, too often it feels like the priority of this chamber is winning the next election instead of protecting the next generation. So to them, I say: This fight is bigger than this bill. This fight is about the freedom to make decisions about our own bodies, about the freedom to travel—it's about the freedom to live without fear of being sued for exercising your constitutional rights. And that freedom, members, as hard as you try, that freedom will not die tonight—no matter how many bad votes y'all take. I urge you, members, dig deep. Let's not let **CSHB 7** become law. Do not let Texas women be collateral damage in a political war. Let's kill **CSHB 7** tonight and not more Texas women tomorrow. Vote no.

REPRESENTATIVE GOODWIN: At my age, this bill is unlikely to affect me directly, so I'm thinking about my kids. My son, who is a physician—who is going to have his child this spring—believes women, in consultation with their doctors, should be able to make their own personal, private health care decisions. He understands that there are circumstances in which a woman who is pregnant may have valid reasons for needing to terminate a pregnancy. It should not be determined by legislators what options a woman has when planning her family. Whether it is cancer, diabetes, mental illness, drug or alcohol addiction, or a whole host of other reasons, women should have dominion over their bodies. These secondary issues can have detrimental impacts on a pregnancy, and he understands that. This son is living in another state and doesn't have to worry about Texas law impacting his wife's pregnancy.

My other son is an engineer in the army. He's home for a few days before deploying to Israel for a year. He is a part of our military, which defends this country and ensures we have freedom and liberty. Freedom includes the right of women to make their own personal, private health care decisions, including terminating a pregnancy. We don't say, "Our military fights for the rights for some legislators to determine what women can do when it comes to their own bodies." My daughter is a small business owner in California. She has no interest in living in Texas due to the political environment, which includes a total abortion ban. She believes women should have the right over their own bodies.

Now, I completely understand that we have different opinions. Some of us believe that women should have the right to make their own personal health care decisions, and others believe a fetus should be saved irrespective of the woman carrying the fetus. At the end of the day, we should be respectful of the differences of opinion. We should stop passing these draconian laws that harm people and without taking into consideration that women are equal to men and are not just vessels carrying fetuses. Members, I think the majority of Texans do not agree with this law. Vote no.

REPRESENTATIVE J. JONES: Mr. Speaker, members, and Texans—I stand in strong opposition to yet another war on women bill, **CSHB 7**. I pray for Texans who are about to feel the brunt of the brutality of this law. **CSHB 7** turns women and those who love and support them into targets. It deputizes private citizens to act as bounty hunters and warmongers against women, with a \$100,000 reward that encourages vexatious lawsuits—lawsuits that can be filed even when no abortion ever happens. That's not protection; that's persecution. And let me remind this house that just yesterday this chamber voted for so-called "medical freedom" for a person of any age to buy a horse dewormer—ivermectin—not approved by the FDA for human use. Yet today, these same members deny women access to mifepristone, a pill that is FDA-approved for humans, proven safe and effective. What in the Trump and RFK Jr. world is going on here?

This is fiction over fact, silliness over science, and the death of freedom over life. Republicans will claim this bill protects doctors and hospitals. That's a lie of limitation. Doctors are only safe if they stay inside the narrow box Republicans built: emergencies, ectopic pregnancies, miscarriages. Outside of that box, they are shackled. That is not protection. That is the political policing of medicine. And let's talk about business. In Texas, we say we support business. Yet this bill targets businesses—pharmacies, health care providers, even delivery companies and drivers—that are providing women safe, affordable, FDA—let me say that again—FDA-approved health care. You can sue Amazon, FedEx, or mail-order pharmacies for doing their job. That isn't supporting business; that's strangling it.

This isn't just bad law. This is Big Brother meets *The Handmaid's Tale*, where women lose control of their own bodies, and family planning is stripped from their hands. And like *Minority Report*, it punishes people before anything ever happens. This is offensive, and it's sexist. This is surveillance over science, shackles on doctors, and shame on women. Access to affordable, safe, and effective health care saves lives. **CSHB 7** does not. Colleagues, this bill does not defend life. It destroys freedom. It does not protect families; it punishes them. It does not respect women; it reduces them. For the sake of women, for the sake of families, and for the sake of freedom, I respectfully urge you to vote no on **CSHB 7**.

REPRESENTATIVE VIRDELL: The bill, once again, is very simple. This is not an attack on what women may have done in the past. This is a bill about going forward. Many of the members here would have you believe that this has to do with their rights, but they are not advocating to terminate themselves. They are advocating to terminate their baby. That is the point that is being missed here. We

are talking about the protection of life. So when they advocate for the right—they have the right to do what they want with themselves, but we are talking about trying to end the action of women terminating their child.

DUTTON: I've read this bill. I'm not sure everybody here has. But I want to ask you about the remedy section of the bill, Section 171A.104, and see if I understand it correctly. Under the remedy section, the claimant doesn't have to have an injury. Is that correct?

LEACH: Correct.

DUTTON: Also there doesn't have to be an abortion, correct?

LEACH: Correct.

DUTTON: So nothing has to happen, but a lawsuit can prevail. I'm not sure I understand that. I've looked around at every statute we have, and I don't believe I've found one where the claimant doesn't have to have an injury. The incident you're trying to protect from doesn't have to happen, yet there's an available lawsuit.

LEACH: It's my hope and prayer, Representative Dutton, that no abortion will take place that leads to a lawsuit. That's my sincere hope as the author of this bill. The actionable claims here are the mailing, manufacturing, distributing, and providing of illegal abortion drugs into the State of Texas. That, in and of itself, is in violation of existing state law, and when that happens, this bill allows additional enforcement mechanisms for us to crack down on those actors.

DUTTON: So that's the justification for the remedy section? I don't make the connection between the two.

LEACH: Well, it's a *qui tam* lawsuit, Representative Dutton. You know, as a lawyer, what *qui tam* lawsuits are. It's very similar to civil Medicaid fraud. We allow *qui tam* lawsuits to be brought by private citizens on behalf of the government when our laws are being violated and broken. That's what this bill does, Representative Dutton. As I've mentioned several times, it doesn't change existing abortion laws in the State of Texas. This truly is about enforcement mechanisms. I don't know about you. I think I know where you stand on this issue, and I think I'm likely to know how you're going to vote. However, you've been around here a long time—a lot longer than me—and I know that you care greatly about the rule of law. And you care greatly about the laws that we pass in this building, even those that you might disagree with, and that they be followed. And when they're not—and when there are actors and states that are protecting those who are violating Texas law—then it is incumbent upon this legislature to act. That's what this bill is about.

DUTTON: I understand about the bill, but I'm trying to get into the mechanics of it.

LEACH: Sure.

DUTTON: I understand what you just said, but I don't make the connection between preventing out-of-state people from sending in whatever here and the remedy section. I don't get that. Now, you brought up the qui tam section. On page 4, line 31, it talks about intention to violate this bill, and the bill doesn't specify what that means. So I looked around the law, and the law does have some evidence or requirements for intention to prove up intention, but I'm not sure that applies in this case to this bill and what you're trying to do. So can you tell me what evidence is required to show intent?

LEACH: Sure. If there is a distributor in another state or if there's a doctor in another state—which, by the way, has and is currently happening—where, for instance, a former Texas physician who was performing elective abortions in this state for many years—hundreds if not thousands of elective abortions every year—we enacted the Texas heartbeat bill, the trigger law—all of the pro-life laws. So what she did is she went to another state, Representative Dutton. And she continues to mail in and to prescribe illegal abortion drugs into the State of Texas in violation of state law. So clearly there is intent there, on her part, to violate existing state laws. There are other distributors and there are other manufacturers that are knowingly violating state laws and that continue to do so. And what this bill allows for is giving the private citizens of Texas, who have an interest in our laws being followed, a tool to be able to do so.

DUTTON: But what you just described is not an "intent to violate." It's an actual violation of the law if she's sending drugs in here, correct?

LEACH: Sure. And the bill allows for not only the violation in and of itself to be addressed, but also it allows for an injunction to be issued to prevent future violations of the law.

DUTTON: But my question has to do with an intent. I mean, I'm not sure what you need to do to—

LEACH: If you're advertising abortion pills online to the State of Texas, I think it's pretty clear you have an intent to violate state laws, Representative Dutton.

DUTTON: So even an advertiser who is advertising on Facebook or something about abortion pills—that would be a violation under this bill?

LEACH: If there was someone in another state, Representative Dutton, who was, let's say, advertising fentanyl in the State of Texas, would that not be intent to violate our laws? Or any controlled substance or illegal drug? So I would encourage you to remember, Representative Dutton, that this is currently illegal. It is illegal what these actors are doing. And yes, intent is a fact question, and as I discussed with Representative Zwiener earlier, every single case will be different. But when the intent is clear—not only from past conduct, but from current conduct, where they're advertising and targeting Texas women and they're selling and sending these illegal drugs into the state—then that's certainly enough to demonstrate intent to continue to violate the law.

DUTTON: Well, that would be something greater than intent, wouldn't it? I mean, they would be actually violating the law. There's an intent to violate the law and actual violation of the law.

LEACH: It's both.

DUTTON: Well, yes, but what I'm trying to get at is where there's no actual violation of the law, but an intent to violate the law. I'm trying to get from you what that means.

LEACH: With all due respect to you, my friend, you just answered your own question. You just answered and admitted in your own question that in the scenario and the hypothetical that I just outlined—which, it's actually not a hypothetical, it's happening currently, today—and in what you've outlined—and it seemed to me like you agreed that there is past conduct that needs to be addressed—that there is also intent to continue to violate the statute in the future.

DUTTON: No, that's not what I said. You're reading something else. You're hearing somebody else there.

LEACH: Okay. If a doctor or other provider or any other individual outside the State of Texas has violated the statute and continues to target Texas women, advertise illegal abortion pills, and provide illegal abortion pills, then I think you and I can agree that is a fact question. It's pretty obvious.

DUTTON: That's an actual violation. I mean, to use your analogy, for example—I'm trying to understand in terms of intent without an actual violation. Can that happen under your bill?

LEACH: Yes.

DUTTON: There can be an intent. What I'm trying to understand is, what does that mean? Give me an example. What you keep describing is where the person is actually engaging in conduct that's against the law.

LEACH: Let's take a situation, Representative Dutton, where a Texas citizen, on behalf of a Texas woman, gets online and orders abortion pills from out of state. That is intent to violate the statute. Those facts will come into evidence, and if the relator proves beyond a preponderance of the evidence that there is intent to violate the statute—which in that case, Representative Dutton, there clearly would be intent.

DUTTON: That the woman who requested it would be engaging in intent, right?

LEACH: Or the man or any individual in or out of the State of Texas who has signaled an intent to violate the statute.

DUTTON: Well, if the person out of state actually sent it in, it wouldn't be intent; it would be an actual violation, right?

LEACH: Correct.

DUTTON: I'm still trying to get my head around this whole idea of "intention to violate" the statute and what you have to do to show evidence of intent to violate this statute. I mean, can you wake up one morning, and somebody overheard you say, "Look, I'm going to send these into Texas." Would that be "intent" if they don't do it?

LEACH: Representative Dutton, I think I've answered your question. I'm happy to walk through hypotheticals if you want.

DUTTON: Well, you can keep saying that, but I don't think you answered my question. My question has to do with intent.

LEACH: I've told you, I don't know how many times now, what I consider to be intent. I think what reasonable—

DUTTON: No, you keep describing some actual violation. I'm asking you about a violation that is expressed only in "intent to violate," not in actual violation.

LEACH: Representative Dutton, let me be as clear as I possibly can: If there is an individual—let's say a doctor out of state like I just mentioned—who has sent thousands of abortion pills into the State of Texas, continues to do so, and has signaled that she will continue to do so, that clearly is intent. The fact finder is going to find intent in that situation. An injunction would hopefully be issued by the court.

DUTTON: Chairman Leach, that would be an actual violation, wouldn't it?

LEACH: It would be both.

DUTTON: Okay, let's assume you understand "intention" and "actionable." Describe for me a situation where there's no actual violation but an intent to violate.

LEACH: I just described one to you.

DUTTON: No, you didn't. You described an actual violation.

LEACH: Representative Dutton, let's go back to the situation. The hypothetical with the man in Texas who, on behalf of a woman, says to her, "I'm thinking about going out and ordering you abortion pills. I don't want you to have that baby." And he says to her, "I think I'm going to go order you abortion pills online. Here's this website." Well, him just doing that probably is not actionable under the statute. But if he gets online and orders those drugs under the statute and if the distributor from out of state sends them into Texas, then that would be intent to violate the statute. Again, Representative Dutton, you are an attorney. We pass laws here that are meant to be enforced by the courts. Every single fact situation, every single scenario, is highly specific. It's very different. The details are different, and I trust our courts to figure out, ascertain, and determine when there is intent and when there is not intent.

DUTTON: Well, I think for us—as you all know and as a lawyer too—one of the best things for courts is for us to be as descriptive as we can about what we allege to be violations of the law so that they don't have to go through any other

machinations trying to figure out what we intended. But let me go on. If an advertiser advertised on the website that they provide abortion-inducing drugs to all 50 states, would that be intent?

LEACH: No, not in and of itself. Again, Representative Dutton, there's got to be—I'm trying my best to be as clear as possible in response to your answers. I'm not avoiding your question; I'm trying to address it head-on.

DUTTON: I understand.

LEACH: In that situation, the court would need to determine whether there was an actual violation of the statute. The statute's very clear with respect to manufacturing, distributing, prescribing, and providing. So saying something on a website, in and of itself, may not be actionable under that statute, but if they fill an order and mail it into Texas, then clearly that's intent to violate the statute.

DUTTON: So that would be intent? It wouldn't have to do something—

LEACH: Representative Dutton, I'm sorry, asked and answered.

DUTTON: Well, Chairman Leach, I think you're answering your own question but not mine.

LEACH: I'm sorry that my answers aren't sufficient.

DUTTON: I think that's what you're doing. So you're either trying to confuse the house or—whatever you're doing. I don't know what you're doing, but what I'm asking is a simple legal question, which I hope you could express in terms of some legal terms, which is—

LEACH: Chairman Dutton, I can lead you to the tank, but I can't make you drink, okay? I feel like I've done my best. I'm not trying to mislead the body. Representative Dutton, let me answer.

DUTTON: That's kind of stupid, too. What you just said.

LEACH: Representative Dutton, let me answer your question.

DUTTON: No, you're not answering my question. You're avoiding my question.

LEACH: I'm not. I've answered your question.

DUTTON: No, you haven't. You haven't answered it one time. All I'm asking is for—you keep describing where the person engaged in the conduct violates the abortion statute in Texas. What I'm asking is: Your bill says that you can get a violation if—first of all, you don't have to have an abortion, first of all.

LEACH: I hope there's not an abortion.

DUTTON: You don't have to have an injury, second of all. But you can get sued.

LEACH: It's an injury to our state, Representative Dutton, when our laws aren't followed. That's what a *qui tam* lawsuit is all about.

DUTTON: I understand that, but I'm trying to figure out how it is a violation of the law if you say, "Well, they intended to do something, but they didn't do it." Would that be a violation under your bill?

LEACH: Very likely, yes. Again, Representative Dutton, it is highly fact-specific. I trust our courts to determine when there has been a violation and when there is intent to continue to violate. In the case of Maggie Carpenter, for instance—who continues to send thousands of abortion pills into the State of Texas—she has signaled an intent to violate our laws based on her past conduct and her current conduct.

DUTTON: Right.

LEACH: So my hope would be—and she's not the only one; there are others. My hope would be that a court would look at that and say, "Hold on, there are past violations that are actionable, but there are also future violations of Texas law," and therefore, there would be an injunction issued by the court. I don't know how much more clear I can be to you that I trust the courts—

DUTTON: Well, just write me off as stupid. But let me ask you this based on what you just said.

LEACH: I didn't say that word. You did, Representative Dutton.

DUTTON: Let me ask about what you just said. Suppose that same person decides that, "Yes, I've sent abortion-inducing drugs to Texas before, but I'm not going to do that again." Would she be guilty under your bill?

LEACH: If she's violated Texas law.

DUTTON: If she said, "I'm not going to do it anymore, but I have done it in the past."

LEACH: There's clearly conduct that is actionable under Texas law. When we passed this bill—remember, Chairman Dutton, this is currently illegal in the State of Texas.

DUTTON: Right, I understand that.

LEACH: So if someone violates the law, there's going to be penalties for violating our law.

DUTTON: So in my case, in the example I just gave, the fact that she had done it in the past but declined to do it in the future—she would still be charged with a violation?

LEACH: She could be the subject of a qui tam lawsuit, absolutely. I hope she is.

DUTTON: For actually having done it, correct?

LEACH: Correct, Representative Dutton.

DUTTON: And not having an intention to do it?

LEACH: Correct.

DUTTON: Okay. So now we're back to what I was asking before, which is: What would a person have to do to express the intent to do it?

LEACH: Representative Dutton, I feel like I've answered your questions as clearly as I possibly know how. The courts are going to determine when there is intent and when an injunction should be issued. And look, my hope,

Representative Dutton—I think it would be your hope, too—is that our laws are followed. My hope is that when we pass this bill, very few lawsuits are actually filed. That's my hope—just like the Texas heartbeat bill. I hope there will be compliance with our laws. And if there is not, there will be consequences for those outside of the State of Texas that are killing Texas babies in violation of Texas law.

DUTTON: Well, thank you for doing whatever you did, but I hope that rather than pro-birth, you all will become pro-life.

LEACH: Well, Representative Dutton—I know I've got a couple minutes left in my closing, and I want to address something that was said earlier by a multitude of the speakers up here talking about how somehow this bill is not pro-life but more so that it's anti-woman. And I want to address that head-on, because I categorically reject and repudiate that argument. There are thousands—millions—of Texas girls who are counting on us to pass this bill and to fight for their right to life. Thousands—millions. And further, to those representatives who think this is anti-woman, I would ask for you to take note of the following: Representatives Button, Fairly, Harris Davila, Hickland, Holt, Hull, Isaac, Kerwin, Leo Wilson, J. Lopez, Luther, Noble, Orr, Pierson, Richardson, Shofner, Slawson, Swanson, Troxclair, and Villalobos—strong, smart, caring, and compassionate Texas women who are going to vote yes for this bill. So I categorically reject that. I am proud of this compassionate piece of legislation in front of you. This is going to save the lives of baby boys and baby girls. And I would not just encourage you to vote for it and ask for you to vote for it; I hope you feel compelled on their behalf to vote for this bill tonight.

REPRESENTATIVE OLIVERSON: This bill is intended to stop the illegal flow of abortion drugs into this state. It is not intended to interfere with lawful maternal or other lawful medical care. As such, the prohibitions relating to the abortion-inducing drugs do not apply to medical emergencies, the treatment of ectopic pregnancies and miscarriages, or other lawful medical purposes unrelated to illegal abortion, correct?

LEACH: Correct.

OLIVERSON: As Texas abortion laws already provide for severe civil and criminal penalties for elective abortions performed in this state, a qui tam cannot be brought under **CSHB 7** against a Texas-licensed physician for care provided while the Texas-licensed physician is located in this state, correct?

LEACH: Correct.

OLIVERSON: If a Texas-licensed physician did not meet the exception for care provided while located in this state because, for example, the Texas-licensed physician was traveling or working from an office in another state, the physician could still fall within **CSHB 7's** exception for medical emergencies, treatment of ectopic pregnancies and miscarriages, or other lawful medical purposes, correct?

LEACH: Correct.

OLIVERSON: Because **CSHB 7** uses a definition of an abortion-inducing drug that excludes medications prescribed, dispensed, or administered for non-abortion medical reasons, this bill will not impact the ability of Texas-licensed physicians—regardless of where the Texas licensed physician is located—to use and prescribe certain medications for non-abortion reasons, like to treat cancer, help induce labor, stop postpartum hemorrhage, or for other obstetric or gynecological procedures, correct?

LEACH: Correct.

OLIVERSON: The bill does not intend to disrupt the supply chain of medically necessary drugs for lawful purposes, as **CSHB 7** exempts drugs used to treat a medical emergency, ectopic pregnancy, miscarriage, or other lawful medical purposes, as well as providing an exemption for pharmaceutical manufacturers and distributors that adopt a policy of stating they will only distribute, mail, transport, deliver, provide, or possess these drugs in this state for legal purposes, correct?

LEACH: Correct.

OLIVERSON: Is it your intent, or is it the bill's intent, to undercut, diminish, or undo **SB 31**, the Life of the Mother Act, with this bill?

LEACH: No, it's not. I've said from the beginning that what we did with **SB 31**, the Life of the Mother Act, was a very important Act by this legislature. This bill does nothing to negatively affect that bill that we passed.

OLIVERSON: Well, Chairman Leach, as chairman of the caucus to chairman of the committee, I just want to thank you on behalf of all the Republicans for your hard work on this. You truly are a pro-life leader. We're glad to have you on the house floor leading the charge on this. I salute you for your work today.

REPRESENTATIVE TURNER: Representative Leach, did you happen to read the long, investigative, in-depth piece the *Dallas Morning News* published earlier this month with respect to Texas abortion laws?

LEACH: No.

TURNER: You did not read it?

LEACH: No, I had some other stuff to do.

TURNER: Okay. Well, I would recommend that you do read it. I would recommend that every member read it. I won't go through the whole thing because it's quite long and we don't have time. Let me just characterize it by the headline: "Standard of Fear, 'I don't want to be pregnant in Texas': Under abortion ban, women fear for their lives." And the subheadline is "Women's fear of pregnancy is showing up in doctors' offices, legislative testimony, and surgery data." And so my question, Mr. Leach, is: Is your bill, **CSHB 7**, likely to increase or decrease women's fear of pregnancy in the State of Texas?

LEACH: Representative Turner, it greatly disturbs me and breaks my heart that anyone would be fearful of pregnancy.

TURNER: I agree.

LEACH: And there's a number of reasons for that. I think a large reason for that is because the abortion industry has for so long been targeting Texas women. And you know, Mr. Lowe referenced earlier his reasons for white-lighting this bill. And I know that there are some, including him, who believe that a woman who gets an abortion should possibly be subjected to the death penalty. I'm not one of those. I am interested, by way of this bill, in protecting Texas babies, protecting their moms, and in building a culture of life here in the State of Texas. Representative Turner, we should do everything we can to promote and elevate motherhood. So I didn't read the *Dallas Morning News* story. If you want to send it to me, I'll gladly read it.

TURNER: I will.

LEACH: But more importantly than that, I've read Psalm 139, which says that we're fearfully and wonderfully made, knitted together in our mother's womb. That's not just me. That's not just the people standing behind me. That's you, that's everyone on this floor, and that's all 31 million Texans, who are created by a loving God who has a great plan for their lives. And that anyone—no matter how they vote, what they look like, what they believe, what they think about this bill—that anyone would be fearful of motherhood truly, truly breaks my heart, and we've got work to do in this state to change that.

TURNER: I appreciate that, Mr. Leach, but let me ask you this: Irrespective of the laws that we've passed in this chamber, irrespective of the various abortion ban bills, including this one, you would agree pregnancy, in and of itself, can be dangerous? You would agree with that, wouldn't you?

LEACH: Well, with all of us, there's certain danger inherent in everything we might do on a daily basis, but there's also great beauty. And motherhood is a miracle right in front of our eyes. It is evidence—

TURNER: I don't question that. But just as a human condition, pregnancy—

LEACH: Representative Turner, it's going to be dangerous when I walk down the stairs tonight. Sure, it's dangerous. But life is sacred. Every single life is sacred and worthy of protection.

TURNER: I think the medical data on walking down stairs versus being pregnant, I think, would show slightly different results. Let me ask you this—

LEACH: Hold on; if I could just address that. What I think all of us have realized—if it hasn't dawned on you, it's certainly dawned on me—that 100 percent of people who oppose abortion are born. One hundred percent of them are born. And so the future unborn Texans are expecting us, not just those of us in this room but all Texans, to fight for their right to life. And that's not dangerous to me.

TURNER: Okay. So I'd like to ask you some more questions about this topic, if I may.

LEACH: Sure.

TURNER: So in this article, it talks about doctors reporting an uptick in—and I'll quote. This is an ob-gyn in Dallas. She's noticed an uptick in patients seeking long-term birth control in the form of IUDs and hormone implants. "There are a lot more women who are realizing they have limited options within the State of Texas and, therefore, are more vigilant about preventing pregnancy." And this is a Houston physician who recalled a couple that began IVF and then decided not to get pregnant at all. It was too risky, they decided, in a strict abortion-ban state. The article goes on to make the point that the data and anecdotes show that the abortion bans that have passed—that **CSHB 7** doubles down on—are actually having the opposite effect. It's deterring some families from getting pregnant in the first place because people are afraid they cannot get the care they need in the State of Texas. They may die as a result, and it's not worth the risk. So my question is: Why are we doubling down on these failed policies that are endangering women in Texas with another bill that, in my opinion, is going to create more fear? Which goes back to my original question: Do you think this bill is going to create more fear or less fear for women who are afraid to get pregnant in the State of Texas?

LEACH: I think this bill is going to save thousands and thousands—untold thousands—of babies. And I think the data shows that if we pass this bill and the governor signs it into law—based on our current data—every 15 seconds a new baby will be saved as a result of this law, and her mom will be protected against drugs that are very harmful. I could read you—I've got a multitude of anecdotes here, Representative Turner, which I won't get into because I want to allow you time to ask your questions. But these drugs are—talk about dangerous. These drugs are dangerous, Representative Turner. Motherhood, sure, if you want to call it dangerous, fine. I wouldn't categorize it that way, but these drugs, these are dangerous.

TURNER: Well, I think Representative Howard already debunked that in her speech opposing your bill and pointed to several other drugs that statistics show are more dangerous, such as penicillin, Viagra, and other medications. I don't have any other further questions, Mr. Leach. I just wanted to understand if you think this bill would make people more fearful or less fearful for some women to be pregnant in Texas.

LEACH: I proudly move passage of **CSHB 7**, the Texas Woman and Child Protection Act.

[**CSHB 7**, as amended, was passed to engrossment by Record No. 127.]