

FACT SHEET



TEXAS' BATHROOM BAN: S.B. 8

Senate Bill 8 (S.B. 8) took effect on December 4, 2025, and requires every “political subdivision or state agency” — which includes school districts, public colleges and universities, libraries, certain publicly owned event spaces, airports, and more — in Texas to ensure that each multiple-occupancy private space in any facility it owns, operates, or controls is designated for and used exclusively by individuals of the same “biological sex.” The bill further requires these entities to “take every reasonable step” to prevent individuals of the opposite biological sex from entering such spaces.

WHAT YOU NEED TO KNOW:

Importantly, S.B. 8 is only enforced against state or local governmental entities — not individuals. Nothing in the law requires any person to disclose their sex assigned at birth or other private medical information. Nor does it supersede federal and state laws that prohibit government officials from discriminating based on sex or engaging in sex stereotyping. While individuals who suspect that S.B. 8 has been violated may file complaints with state agencies or local governments, government officials have no authority to invade anyone’s privacy, discriminate based on sex, or refuse to make reasonable accommodations as required by other state and federal laws, such as Title VII and the Americans with Disabilities Act. Additionally, S.B. 8 does not apply to private restaurants and shops, private venues, or private businesses.

RISKS OF HARASSMENT AND HARM:

Despite this law only being enforceable against state agencies and local governments, it worsens a hostile environment in Texas for transgender, nonbinary, and intersex people. Transgender, nonbinary, and intersex people are disproportionately discriminated against, harassed, and assaulted for being themselves in public, and S.B. 8 makes this far worse. Because this law applies to any building owned, controlled, or operated by a government entity, it is technically in effect in countless public facilities, including in airports, concert venues, and government buildings. But nothing in S.B. 8 authorizes or permits any person to harass or bother anyone else. If someone tries to touch you, harm you, or invade your privacy, they are likely violating other Texas laws protecting your bodily autonomy and privacy.

WHAT TO DO IF YOU ARE TARGETED OR HARASSED BY LAW ENFORCEMENT IN A PUBLIC FACILITY:

Remember that you have rights. You have the right to remain silent and not disclose anything about yourself to any person other than a police officer if you are under arrest and required to identify yourself. Because S.B. 8 cannot trigger criminal penalties, there is no probable cause to arrest any person simply for using a public facility that aligns with their gender identity. If you encounter a law enforcement officer or other government official in a restroom or other public facility, ask if you are free to go and try to safely leave. If you are arrested, exercise your right to stay silent and ask for an attorney.

- **Maintain your right to privacy:** Multiple courts have held that someone's status as transgender is private medical information. No government official has a right to ask you about your reproductive anatomy or transgender status, except with a court order or other lawful basis. S.B. 8 defines sex based solely on reproductive anatomy — not the legal gender or the sex listed on someone's original or current birth certificate. The law defines "female" and "male" as "an individual who naturally has or will have . . . a reproductive system designed to produce, transport, and provide eggs [or sperm] for fertilization." No one can tell the status of someone else's reproductive system without unlawfully invading their privacy.
- **Sex stereotyping is prohibited:** Both federal and Texas law also prohibit government officials from discriminating based on sex or engaging in sex stereotyping. If any government official tries to assume your gender or force you to use certain facilities based on your appearance, they may be unlawfully engaging in sex discrimination.

SINGLE-USER FACILITIES:

Nothing in S.B. 8 prevents the creation or expansion of single-user restrooms, changing rooms, and other public facilities. While many courts have found that it is unlawful sex discrimination to force transgender people to use separate facilities, nothing prevents any person from voluntarily choosing to use these facilities, and encouraging their expansion to assist everyone who might prefer more privacy and safety when using the restroom or changing clothes in public spaces could benefit everyone.

Seek legal help:

If any government official tries to enforce S.B. 8 against you, contact us at intake.aclutx.org.

Ways to help:

Make sure the transgender, nonbinary, and intersex Texans in your life have this resource. Speak up when you hear misinformation about transgender, nonbinary, and intersex people or S.B. 8. Refer transgender Texans to our intake page (intake.aclutx.org) if they feel their rights have been violated. Support transgender advocates, artists, neighbors, and community members emotionally, financially, and physically, and amplify their voices with their permission.

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