



STAFF REPORT
City of Dripping Springs
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Dripping Springs, TX 78620

Submitted By: Aniz Alani, City Attorney

Council Meeting Date: December 2, 2025

Agenda Item Wording: Discuss and consider approval of a policy implementing state-mandated requirements in Texas Government Code, Chapter 3002 (Texas Women's Privacy Act), effective December 4, 2025.

Agenda Item Sponsor: N/A

Summary/Background: During the 89th Legislature's 2nd Called Session, the Legislature adopted Senate Bill 8, cited as the Texas Women's Privacy Act, to be codified in Chapter 3002 of the Texas Government Code. The Act applies to "political subdivisions," which expressly includes municipalities, and requires each such entity to designate every multiple-occupancy private space in a building the city owns, operates, or controls for the exclusive use of one sex (male or female).

The statute defines sex by biological criteria and requires the political subdivision to take "every reasonable step" to ensure people do not use a space designated for the opposite sex.

The Act allows cities to create or expand single-occupancy and family-style facilities and to make limited accommodations for young children, people with disabilities, maintenance, emergencies, and law enforcement. It does not allow a city to create an accommodation that has the practical effect of letting someone use a multi-user facility designated for the opposite sex.

The Act includes an enforcement mechanism that:

1. authorizes Texas residents to complain to the Attorney General if a city is not in compliance,
2. requires the Attorney General to investigate, and
3. allows the Attorney General to seek civil penalties of \$25,000 for a first violation and \$125,000 for subsequent violations, with each day counting separately. It also creates a private civil cause of action for affected persons.

Chapter 3002 contains very broad immunity and jurisdiction-stripping provisions: political subdivisions and their officers may not waive immunity, and state and federal courts in Texas are directed not to hear actions that would invalidate or enjoin the Act. In short, the statute is drafted to prevent cities from using litigation to challenge or delay compliance.

Issue

Because the duty runs directly to “a political subdivision,” the City must have something in place on or before December 4, 2025 that (a) identifies the affected City-controlled buildings and (b) states how each multiple-occupancy private space will be designated and monitored. Failure to do so exposes the City to complaints, Attorney General enforcement, civil penalties, and private lawsuits.

Proposed Administrative Response

The attached policy:

1. Identifies that the City is acting “to comply with Chapter 3002, Texas Government Code.”
2. Uses statutory definitions by reference.
3. Directs departments to inventory facilities and post signage.
4. Provides for single-occupancy/family-style options where feasible.
5. Creates an intake path for complaints so the City can promptly “cure” within the three-business-day window the statute gives us before someone can go to the Attorney General.
6. Notes that questions or concerns about the requirements may be directed to the State of Texas or to elected state representatives.

That last component lawfully informs residents who disagree with the policy where the decision was actually made, without the City taking a substantive position on the law.

Fiscal Impact

- Signage for restrooms/locker rooms/changing areas in all City-controlled buildings.
- Staff time to prepare facility inventories, train front-of-house staff, and respond to complaints.
- Any reconfiguration to add single-occupancy/family restrooms can be brought back separately if it has a capital cost.

Alternatives

Because Chapter 3002 is mandatory and includes penalties and a private right of action, there is no practical “do nothing” alternative for the City.

**Commission
Recommendations:**

N/A

**Recommended
Council Actions:**

Staff recommends adoption of the attached policy, effective December 4, 2025.

Attachments:

Draft Policy: “Designation and Use of Certain City Facilities Under Chapter 3002, Texas Government Code”.

Texas Government Code, Chapter 3002