

HB246 INTRODUCED



1 HB246
2 5FUN3M6-1
3 By Representatives Stadthagen, Kiel, Colvin, Kirkland,
4 Standridge
5 RFD: Education Policy
6 First Read: 11-Feb-25



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SYNOPSIS:

This bill would prohibit employees of public schools and public institutions of higher education from using names or pronouns inconsistent with a student's legal name or biological sex without written permission from the student's parent or guardian.

This bill would protect employees from adverse employment action for declining to use a name other than a legal name or a pronoun other than a pronoun corresponding to the student's biological sex or for declining to identify his or her own pronouns.

This bill would protect students from disciplinary action for declining to use a name other than a legal name or a pronoun other than a pronoun corresponding to the student's biological sex or for declining to identify his or her own pronouns.

This bill would create a private cause of action against a public school or public institution of higher education for injunctive relief for individuals harmed by violations.

A BILL
TO BE ENTITLED
AN ACT



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29
30 Relating to public schools and public institutions of
31 higher education; to restrict the use of names or pronouns
32 inconsistent with a student's legal name or biological sex
33 without consent from a parent or guardian; to protect teachers
34 and students from adverse actions for declining to use or
35 identify pronouns; and to provide for a cause of action
36 against a public school or institution of higher education for
37 violations.

38 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

39 Section 1. This provision shall be known and may be
40 cited as the Free to Speak Act.

41 Section 2. For the purposes of this act, the following
42 terms have the following meanings:

43 (1) FEMALE. An individual who naturally has, had, will
44 have, or would have, but for a developmental or genetic
45 anomaly or historic accident, the reproductive system that at
46 some point produces, transports, and utilizes eggs for
47 fertilization.

48 (3) MALE. An individual who naturally has, had, will
49 have, or would have, but for a developmental or genetic
50 anomaly or historic accident, the reproductive system that at
51 some point produces, transports, and utilizes sperm for
52 fertilization.

53 (3) SEX. An individual's biological sex, either male or
54 female, as observed or clinically verified at birth.

55 Section 3. (a) An employee of a public school or public
56 institution of higher education, regardless of the scope of



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57 his or her official duties:

58 (1) Shall not knowingly and intentionally address an
59 unemancipated minor student by a name other than the student's
60 legal name, or a derivative thereof, or by a pronoun or title
61 that is inconsistent with the student's sex without the
62 written permission of a student's parent or guardian;

63 (2) Shall not be subject to adverse employment action
64 for declining to address an unemancipated minor student using
65 a name other than the student's legal name, or a derivative
66 thereof, or by a pronoun or title that is inconsistent with
67 the student's sex; and

68 (3) Shall not be subject to adverse employment action
69 for declining to identify his or her pronouns.

70 (b) A student of a public school or public institution
71 of higher education shall not be subject to any disciplinary
72 action for declining to:

73 (1) Address an individual using a name other than the
74 individual's legal name, or a derivative thereof, or by a
75 pronoun or title that is inconsistent with the individual's
76 sex in a school setting; or

77 (2) Identify his or her pronouns.

78 Section 4. (a) Any individual who is harmed by a
79 violation of this act shall have a private cause of action
80 against the public school or public institution of higher
81 education for injunctive relief, monetary damages, reasonable
82 attorney fees and costs, and any other appropriate relief.

83 (b) All civil actions brought pursuant to this section
84 must be initiated within two years after the violation



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85 occurred.

86 Section 5. This act shall become effective on October

87 1, 2025.