

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3138

By: West (Kevin)

AS INTRODUCED

An Act relating to schools; creating the Free to Speak Act; defining terms; prohibiting school employees from using a name other than a student's legal name without parental consent; prohibiting certain adverse employment action for refusing to use or identify certain pronouns; prohibiting student disciplinary action for refusing to use or identify certain pronouns; creating a private cause of action; providing legal remedies; limiting time frame for filing civil action; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 24-166 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Free to Speak Act".

B. As used in this act:

1. "Employee" means an individual employed or contracted by a public school or state institution of higher learning;

1 2. "Female" means an individual who naturally has, had, will
2 have, or would have, but for a developmental or genetic anomaly or
3 historic accident, the reproductive system that at some point
4 produces, transports, and utilizes eggs or fertilization; and

5 3. "Male" means an individual who naturally has, had, will
6 have, or would have, but for a developmental or genetic anomaly or
7 historic accident, the reproductive system that at some point
8 produces, transports, and utilizes sperm or fertilization.

9 4. "Public institution of higher education" means any
10 institution within the Oklahoma State System of Higher Education or
11 technology center schools overseen by the State Board of Career and
12 Technology Education;

13 5. "Public school" means a school operated by a governmental
14 entity in this state, including grades pre-kindergarten through
15 twelve and technology center schools that provide vocational and
16 technical instruction for high school students who attend the
17 technology center school on a tuition-free basis. Public school
18 does not include private schools, religious schools, or
19 homeschooling families;

20 6. "Sex" means a person's biological sex, either male or
21 female, as observed or clinically verified at birth;

22 7. "Student" means an individual who is enrolled at a public
23 school or state institution of higher learning on a full-time or
24 part-time basis;

1 C. An employee of a public school or state institution of
2 higher learning, regardless of the scope of his or her official
3 duties, shall not:

4 1. Knowingly and intentionally address an unemancipated minor
5 student by a name other than the student's legal name, or a
6 derivative thereof, or by a pronoun or title that is inconsistent
7 with the student's sex without the written permission of the
8 student's parent or guardian;

9 2. Be subject to adverse employment action for declining to
10 address a person using a name other than the person's legal name, or
11 a derivative thereof, or by a pronoun or title that is inconsistent
12 with the person's sex; and

13 3. Be subject to adverse employment action for declining to
14 identify his or her pronouns.

15 D. A student of a public school or state institution of higher
16 learning shall not be subject to any disciplinary action for
17 declining to:

18 1. Address a person using a name other than the person's legal
19 name, or a derivative thereof, or by a pronoun or title that is
20 inconsistent with the person's sex; or

21 2. Identify his or her pronouns.

22 E. 1. Any person who is harmed by a violation of this act
23 shall have a private cause of action against the public school or
24 state institution of higher learning for injunctive relief, monetary

1 damages, reasonable attorney fees and costs, and any other
2 appropriate relief.

3 2. All civil actions brought pursuant to this section must be
4 initiated within two (2) years after the violation occurred.

5 SECTION 2. This act shall become effective November 1, 2026.

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