

By: Swanson

H.B. No. 185

A BILL TO BE ENTITLED

AN ACT

relating to requiring public school and public institution of higher education students to compete in interscholastic athletic competitions based on biological sex.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.0834 to read as follows:

Sec. 33.0834. INTERSCHOLASTIC ATHLETIC COMPETITION BASED ON BIOLOGICAL SEX. (a) Except as provided by Subsection (b), an interscholastic athletic team sponsored or authorized by a school district or open-enrollment charter school may not allow a student to compete in an interscholastic athletic competition sponsored or authorized by the district or school that is designated for the biological sex opposite to the student's biological sex as correctly stated on:

(1) the student's official birth certificate, as described by Subsection (c); or

(2) if the student's official birth certificate described by Subdivision (1) is unobtainable, another government record.

(b) An interscholastic athletic team described by Subsection (a) may allow a female student to compete in an interscholastic athletic competition that is designated for male students if a corresponding interscholastic athletic competition

1 designated for female students is not offered or available.

2 (c) For purposes of this section, a statement of a student's
3 biological sex on the student's official birth certificate is
4 considered to have correctly stated the student's biological sex
5 only if the statement was:

6 (1) entered at or near the time of the student's birth;
7 or

8 (2) modified to correct a clerical error in the
9 student's biological sex.

10 (d) The University Interscholastic League shall adopt rules
11 to implement this section, provided that the rules must be approved
12 by the commissioner in accordance with Section 33.083(b).

13 SECTION 2. Subchapter 2, Chapter 51, Education Code, is
14 amended by adding Section 51.980 to read as follows:

15 Sec. 51.980. INTERSCHOLASTIC ATHLETIC COMPETITION BASED ON
16 BIOLOGICAL SEX. (a) In this section, "institution of higher
17 education" has the meaning assigned by Section 61.003.

18 (b) Except as provided by Subsection (c), an
19 interscholastic athletic team sponsored or authorized by an
20 institution of higher education may not allow a student to compete
21 in an interscholastic athletic competition sponsored or authorized
22 by the institution that is designated for the biological sex
23 opposite to the student's biological sex as correctly stated on:

24 (1) the student's official birth certificate, as
25 described by Subsection (d); or

26 (2) if the student's official birth certificate
27 described by Subdivision (1) is unobtainable, another government

1 record.

2 (c) An interscholastic athletic team described by
3 Subsection (b) may allow a female student to compete in an
4 interscholastic athletic competition that is designated for male
5 students if a corresponding interscholastic athletic competition
6 designated for female students is not offered or available.

7 (d) For purposes of this section, a statement of a student's
8 biological sex on the student's official birth certificate is
9 considered to have correctly stated the student's biological sex
10 only if the statement was:

11 (1) entered at or near the time of the student's birth;

12 or

13 (2) modified to correct a clerical error in the
14 student's biological sex.

15 SECTION 3. (a) Section 33.0834, Education Code, as added by
16 this Act, applies beginning with the 2021-2022 school year.

17 (b) Section 51.980, Education Code, as added by this Act,
18 applies beginning with the 2021-2022 academic year.

19 SECTION 4. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect on the 91st day after the last day of the
24 legislative session.