

1-1 By: Swanson, et al. (Senate Sponsor - Perry) H.B. No. 25  
 1-2 (In the Senate - Received from the House October 15, 2021;  
 1-3 October 15, 2021, read first time and referred to Committee on  
 1-4 Health & Human Services; October 15, 2021, reported favorably by  
 1-5 the following vote: Yeas 6, Nays 3; October 15, 2021, sent to  
 1-6 printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10				
1-11		X		
1-12	X			
1-13	X			
1-14	X			
1-15		X		
1-16		X		
1-17	X			

1-18 A BILL TO BE ENTITLED  
 1-19 AN ACT

1-20 relating to requiring public school students to compete in  
 1-21 interscholastic athletic competitions based on biological sex.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. The legislature finds that:

1-24 (1) historically, boys participate in interscholastic  
 1-25 athletics at a higher rate than girls, and a noticeable disparity  
 1-26 continues between the athletic participation rates of students who  
 1-27 are girls and students who are boys in University Interscholastic  
 1-28 League member schools;

1-29 (2) courts have recognized a legitimate and important  
 1-30 governmental interest in redressing past discrimination against  
 1-31 girls in athletics on the basis of sex and promoting equality of  
 1-32 athletic opportunity between the sexes under Title IX of the  
 1-33 Education Amendments of 1972 (20 U.S.C. Section 1681 et seq.), a  
 1-34 federal civil rights statute; and

1-35 (3) courts have recognized that classification by sex  
 1-36 is the only feasible classification to promote the governmental  
 1-37 interest of providing for interscholastic athletic opportunities  
 1-38 for girls.

1-39 SECTION 2. The purpose of this Act is to further the  
 1-40 governmental interest of ensuring that sufficient interscholastic  
 1-41 athletic opportunities remain available for girls to remedy past  
 1-42 discrimination on the basis of sex.

1-43 SECTION 3. Subchapter D, Chapter 33, Education Code, is  
 1-44 amended by adding Section 33.0834 to read as follows:

1-45 Sec. 33.0834. INTERSCHOLASTIC ATHLETIC COMPETITION BASED  
 1-46 ON BIOLOGICAL SEX. (a) In this section, "biological sex" means the  
 1-47 physical condition of being male or female as determined by the sex  
 1-48 organs, chromosomes, and endogenous profile of the individual at  
 1-49 birth.

1-50 (b) Except as provided by Subsection (c), an  
 1-51 interscholastic athletic team sponsored or authorized by a school  
 1-52 district or open-enrollment charter school may not allow a student  
 1-53 to compete in an interscholastic athletic competition sponsored or  
 1-54 authorized by the district or school that is designated for the  
 1-55 biological sex opposite to the student's biological sex as  
 1-56 correctly stated on:

1-57 (1) the student's official birth certificate, as  
 1-58 described by Subsection (d); or

1-59 (2) if the student's official birth certificate  
 1-60 described by Subdivision (1) is unobtainable, another government  
 1-61 record.

2-1 (c) An interscholastic athletic team described by  
2-2 Subsection (b) may allow a female student to compete in an  
2-3 interscholastic athletic competition that is designated for male  
2-4 students if a corresponding interscholastic athletic competition  
2-5 designated for female students is not offered or available.

2-6 (d) For purposes of this section, a statement of a student's  
2-7 biological sex on the student's official birth certificate is  
2-8 considered to have correctly stated the student's biological sex  
2-9 only if the statement was:

2-10 (1) entered at or near the time of the student's birth;  
2-11 or

2-12 (2) modified to correct any type of scrivener or  
2-13 clerical error in the student's biological sex.

2-14 (e) The University Interscholastic League shall adopt rules  
2-15 to implement this section, provided that the rules must be approved  
2-16 by the commissioner in accordance with Section 33.083(b). The  
2-17 rules must ensure compliance with state and federal law regarding  
2-18 the confidentiality of student medical information, including  
2-19 Chapter 181, Health and Safety Code, and the Health Insurance  
2-20 Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d  
2-21 et seq.).

2-22 SECTION 4. This Act applies to any interscholastic athletic  
2-23 competition sponsored or authorized by a school district or  
2-24 open-enrollment charter school that occurs on or after the  
2-25 effective date of this Act.

2-26 SECTION 5. This Act takes effect immediately if it receives  
2-27 a vote of two-thirds of all the members elected to each house, as  
2-28 provided by Section 39, Article III, Texas Constitution. If this  
2-29 Act does not receive the vote necessary for immediate effect, this  
2-30 Act takes effect on the 91st day after the last day of the  
2-31 legislative session.

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