

By: Slaton

H.B. No. 90

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requiring public school and public institution of
3 higher education students to participate in interscholastic
4 athletic activities based on biological sex.

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

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

8 Sec. 33.0834. INTERSCHOLASTIC ATHLETIC PARTICIPATION BASED
9 ON BIOLOGICAL SEX. (a) Except as provided by Subsection (b), an
10 interscholastic athletic team sponsored or authorized by a school
11 district or open-enrollment charter school may not allow a student
12 to participate in an interscholastic athletic activity sponsored or
13 authorized by the district or school that is designated for the
14 biological sex opposite to the student's biological sex as
15 determined at the student's birth and correctly stated on the
16 student's official birth certificate.

17 (b) An interscholastic athletic team described by
18 Subsection (a) may allow a female student to participate in an
19 interscholastic athletic activity that is designated for male
20 students if a corresponding interscholastic athletic activity
21 designated for female students is not offered or available.

22 (c) For purposes of this section, a statement of a student's
23 biological sex on the student's official birth certificate is
24 considered to have correctly stated the student's biological sex as

1 determined at the student's birth if the statement was:

2 (1) entered at or near the time of the student's birth,
3 as determined by University Interscholastic League rule; or

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

6 SECTION 2. Subchapter 7, Chapter 51, Education Code, is
7 amended by adding Section 51.980 to read as follows:

8 Sec. 51.980. INTERSCHOLASTIC ATHLETIC PARTICIPATION BASED
9 ON BIOLOGICAL SEX. (a) In this section, "institution of higher
10 education" has the meaning assigned by Section 61.003.

11 (b) Except as provided by Subsection (c), an
12 interscholastic athletic team sponsored or authorized by an
13 institution of higher education may not allow a student to
14 participate in an interscholastic athletic activity sponsored or
15 authorized by the institution that is designated for the biological
16 sex opposite to the student's biological sex as determined at the
17 student's birth and correctly stated on the student's official
18 birth certificate.

19 (c) An interscholastic athletic team described by
20 Subsection (b) may allow a female student to participate in an
21 interscholastic athletic activity that is designated for male
22 students if a corresponding interscholastic athletic activity
23 designated for female students is not offered or available.

24 (d) For purposes of this section, a statement of a student's
25 biological sex on the student's official birth certificate is
26 considered to have correctly stated the student's biological sex as
27 determined at the student's birth if the statement was:

1 (1) entered at or near the time of the student's birth,
2 as determined by Texas Higher Education Coordinating Board rule; or
3 (2) modified to correct a clerical error in the
4 student's biological sex.

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

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

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