

1-1 By: Perry, Springer S.B. No. 2  
 1-2 (In the Senate - Filed July 8, 2021; July 8, 2021, read  
 1-3 first time and referred to Committee on Health & Human Services;  
 1-4 July 13, 2021, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 6, Nays 0; July 13, 2021,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

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

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 2 By: Seliger

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to requiring public school and public institution of  
 1-22 higher education students to compete in interscholastic athletic  
 1-23 competitions based on biological sex.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter D, Chapter 33, Education Code, is  
 1-26 amended by adding Section 33.0834 to read as follows:

1-27 Sec. 33.0834. INTERSCHOLASTIC ATHLETIC COMPETITION BASED  
 1-28 ON BIOLOGICAL SEX. (a) Except as provided by Subsection (b), an  
 1-29 interscholastic athletic team sponsored or authorized by a school  
 1-30 district or open-enrollment charter school may not allow a student  
 1-31 to compete on the team in an interscholastic athletic competition  
 1-32 sponsored or authorized by the district or school that is  
 1-33 designated for the biological sex opposite to the student's  
 1-34 biological sex as correctly stated on:

1-35 (1) the student's official birth certificate, as  
 1-36 described by Subsection (c); or

1-37 (2) if the student's official birth certificate  
 1-38 described by Subdivision (1) is unobtainable, another government  
 1-39 record.

1-40 (b) An interscholastic athletic team described by  
 1-41 Subsection (a) may allow a female student to compete in an  
 1-42 interscholastic athletic competition that is designated for male  
 1-43 students if a corresponding interscholastic athletic competition  
 1-44 designated for female students is not offered or available.

1-45 (c) For purposes of this section, a statement of a student's  
 1-46 biological sex on the student's official birth certificate is  
 1-47 considered to have correctly stated the student's biological sex  
 1-48 only if the statement was:

1-49 (1) entered at or near the time of the student's birth;  
 1-50 or

1-51 (2) modified to correct a clerical error in the  
 1-52 student's biological sex.

1-53 (d) The University Interscholastic League shall adopt rules  
 1-54 to implement this section, provided that the rules must be approved  
 1-55 by the commissioner in accordance with Section 33.083(b).

1-56 (e) A student who attends a school district or  
 1-57 open-enrollment charter school that sponsors or authorizes an  
 1-58 interscholastic athletic team that violates this section may bring  
 1-59 a civil action against the district or school if the student is  
 1-60 directly harmed by the violation. The student may obtain:

- 2-1 (1) injunctive relief; and
- 2-2 (2) court costs and reasonable attorney's fees.

2-3 SECTION 2. Subchapter 2, Chapter 51, Education Code, is  
2-4 amended by adding Section 51.980 to read as follows:

2-5 Sec. 51.980. INTERSCHOLASTIC ATHLETIC COMPETITION BASED ON  
2-6 BIOLOGICAL SEX. (a) In this section, "institution of higher  
2-7 education" has the meaning assigned by Section 61.003.

2-8 (b) Except as provided by Subsection (c), an  
2-9 interscholastic athletic team sponsored or authorized by an  
2-10 institution of higher education may not allow a student to compete  
2-11 on the team in an interscholastic athletic competition sponsored or  
2-12 authorized by the institution that is designated for the biological  
2-13 sex opposite to the student's biological sex as correctly stated  
2-14 on:

2-15 (1) the student's official birth certificate, as  
2-16 described by Subsection (d); or

2-17 (2) if the student's official birth certificate  
2-18 described by Subdivision (1) is unobtainable, another government  
2-19 record.

2-20 (c) An interscholastic athletic team described by  
2-21 Subsection (b) may allow a female student to compete in an  
2-22 interscholastic athletic competition that is designated for male  
2-23 students if a corresponding interscholastic athletic competition  
2-24 designated for female students is not offered or available.

2-25 (d) For purposes of this section, a statement of a student's  
2-26 biological sex on the student's official birth certificate is  
2-27 considered to have correctly stated the student's biological sex  
2-28 only if the statement was:

2-29 (1) entered at or near the time of the student's birth;  
2-30 or

2-31 (2) modified to correct a clerical error in the  
2-32 student's biological sex.

2-33 (e) A student who attends an institution of higher education  
2-34 that sponsors or authorizes an interscholastic athletic team that  
2-35 violates this section may bring a civil action against the  
2-36 institution if the student is directly harmed by the violation. The  
2-37 student may obtain:

2-38 (1) injunctive relief; and

2-39 (2) court costs and reasonable attorney's fees.

2-40 SECTION 3. (a) Section 33.0834, Education Code, as added by  
2-41 this Act, applies beginning with the 2021-2022 school year.

2-42 (b) Section 51.980, Education Code, as added by this Act,  
2-43 applies beginning with the 2021-2022 academic year.

2-44 SECTION 4. If any provision of this Act or its application  
2-45 to any person or circumstance is held invalid, the invalidity does  
2-46 not affect other provisions or applications of this Act that can be  
2-47 given effect without the invalid provision or application, and to  
2-48 this end the provisions of this Act are declared to be severable.

2-49 SECTION 5. This Act takes effect immediately if it receives  
2-50 a vote of two-thirds of all the members elected to each house, as  
2-51 provided by Section 39, Article III, Texas Constitution. If this  
2-52 Act does not receive the vote necessary for immediate effect, this  
2-53 Act takes effect on the 91st day after the last day of the  
2-54 legislative session.

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