

AN ACT

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

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

SECTION 1. The legislature finds that:

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

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

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

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

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

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

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

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

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

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

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

26 or

27 (2) modified to correct any type of scrivener or

1 clerical error in the student's biological sex.

2 (d) The University Interscholastic League shall adopt rules  
3 to implement this section, provided that the rules must be approved  
4 by the commissioner in accordance with Section 33.083(b). The  
5 rules must ensure compliance with state and federal law regarding  
6 the confidentiality of student medical information, including  
7 Chapter 181, Health and Safety Code, and the Health Insurance  
8 Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d  
9 et seq.).

10 SECTION 4. This Act applies to any interscholastic athletic  
11 competition sponsored or authorized by a school district or  
12 open-enrollment charter school that occurs on or after the  
13 effective date of this Act.

14 SECTION 5. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect on the 91st day after the last day of the  
19 legislative session.

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 25 was passed by the House on October 14, 2021, by the following vote: Yeas 76, Nays 54, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 25 on October 17, 2021, by the following vote: Yeas 76, Nays 61, 1 present, not voting.

---

Chief Clerk of the House

I certify that H.B. No. 25 was passed by the Senate, with amendments, on October 15, 2021, by the following vote: Yeas 19, Nays 12.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor