

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Swanson, Klick, Hefner, Morrison, Noble,  
et al.

H.B. No. 25

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to requiring public school students to compete in  
3 interscholastic athletic competitions based on biological sex.

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

5 SECTION 1. The legislature finds that:

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

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

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

21 SECTION 2. The purpose of this Act is to further the  
22 governmental interest of ensuring that sufficient interscholastic  
23 athletic opportunities remain available for girls to remedy past  
24 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) In this section, "biological sex" means the  
5 physical condition of being male or female as determined by the sex  
6 organs, chromosomes, and endogenous profile of the individual at  
7 birth.

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

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

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

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

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

1 only if the statement was:

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

3 or

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

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

14 SECTION 4. This Act applies to any interscholastic athletic  
15 competition sponsored or authorized by a school district or  
16 open-enrollment charter school that occurs on or after the  
17 effective date of this Act.

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

FLOOR AMENDMENT NO. 1

BY: Chris Famy

1 Amend H.B. 25 (senate committee printing) in SECTION 3 of the  
2 bill, in added Section 33.0834, Education Code, by striking  
3 Subsection (a) and relettering subsequent subsections and cross-  
4 references to those subsections accordingly.

ADMITTED  
RV 31-0  
OCT 15 2011  
*Alvin Clark*  
Secretary of the Senate

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATURE 3rd CALLED SESSION 2021**

**October 15, 2021**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB25** by Swanson (Relating to requiring public school students to compete in interscholastic athletic competitions based on biological sex.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

It is assumed that the costs associated with the bill's provisions relating to participation in interscholastic athletic competitions could be absorbed using existing resources.

**Local Government Impact**

According to the Texas Education Agency, local education agencies may incur administrative costs associated with gathering and maintaining evidence of students' biological sex at birth. Additionally, there may be costs related to providing female students the opportunity to participate in an athletic event for which there is not an equivalent female-designated option, if the district or school chooses to make this available.

**Source Agencies:** 701 Texas Education Agency, 720 UT Sys Admin

**LBB Staff:** JMc, CMA, LBO, SMAT, AH, THO

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATURE 3rd CALLED SESSION 2021**

**October 15, 2021**

**TO:** Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB25** by Swanson (Relating to requiring public school students to compete in interscholastic athletic competitions based on biological sex.), **As Engrossed**

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**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATURE 3rd CALLED SESSION 2021**

**October 5, 2021**

**TO:** Honorable Trent Ashby, Chair, House Committee on Constitutional Rights & Remedies, Select

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB25** by Swanson (Relating to requiring public school students to compete in interscholastic athletic competitions based on biological sex.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

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