

By: Swanson

H.B. No. 1458

A BILL TO BE ENTITLED

AN ACT

relating to the separation based on biological sex of athletics teams sponsored by a public school or institution of higher education.

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

SECTION 1. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.0815 to read as follows:

Sec. 33.0815. SEPARATION OF ATHLETICS TEAMS BASED ON BIOLOGICAL SEX. (a) Each interscholastic, intramural, or other extracurricular athletic team sponsored by a school district or open-enrollment charter school shall be designated for participation by:

(1) only students of the same biological sex; or

(2) students of both biological sexes.

(b) A biologically male student may not participate in an athletic team described by Subsection (a) that is designated for participation by only biologically female students.

(c) The University Interscholastic League, a state agency, or a political subdivision of the state may not take adverse action against a school district or open-enrollment charter school for complying with this section.

(d) A student may bring an action for relief as provided by Subsection (f) if the student is:

(1) deprived of an athletic opportunity or suffers

1 harm as a result of a violation of this section by a school district
2 or open-enrollment charter school; or

3 (2) subject to retaliation or other adverse action by
4 a school district or open-enrollment charter school or the
5 University Interscholastic League as a result of reporting a
6 violation of this section.

7 (e) A school district or open-enrollment charter school may
8 bring an action for relief as provided by Subsection (f) if the
9 district or school suffers harm as a result of a violation of this
10 section by the University Interscholastic League, a state agency,
11 or a political subdivision of the state.

12 (f) A student, school district, or open-enrollment charter
13 school that brings an action for relief under this section may
14 receive:

15 (1) injunctive relief to compel the applicable entity
16 to comply with this section;

17 (2) compensatory damages; and

18 (3) court costs and reasonable attorney's fees.

19 (g) An action under this section must be brought not later
20 than two years after the date on which the conduct giving rise to
21 the action is alleged to have occurred.

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

24 Sec. 51.980. SEPARATION OF ATHLETICS TEAMS BASED ON
25 BIOLOGICAL SEX. (a) In this section, "institution of higher
26 education" has the meaning assigned by Section 61.003.

27 (b) Each interscholastic, intramural, or other

1 extracurricular athletic team sponsored by an institution of higher
2 education shall be designated for participation by:

3 (1) only students of the same biological sex; or

4 (2) students of both biological sexes.

5 (c) A biologically male student may not participate in an
6 athletic team described by Subsection (b) that is designated for
7 participation by only biologically female students.

8 (d) A state agency or political subdivision of the state may
9 not take adverse action against an institution of higher education
10 for complying with this section.

11 (e) A student may bring an action for relief as provided by
12 Subsection (g) if the student is:

13 (1) deprived of an athletic opportunity or suffers
14 harm as a result of a violation of this section by an institution of
15 higher education; or

16 (2) subject to retaliation or other adverse action by
17 an institution of higher education as a result of reporting a
18 violation of this section.

19 (f) An institution of higher education may bring an action
20 for relief as provided by Subsection (g) if the institution suffers
21 harm as a result of a violation of this section by a state agency or
22 political subdivision of the state.

23 (g) A student or institution of higher education that brings
24 an action for relief under this section may receive:

25 (1) injunctive relief to compel the applicable entity
26 to comply with this section;

27 (2) compensatory damages; and

1 (3) court costs and reasonable attorney's fees.

2 (h) An action under this section must be brought not later
3 than two years after the date on which the conduct giving rise to
4 the action is alleged to have occurred.

5 SECTION 3. (a) Section 33.0815, 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 September 1, 2021.