

By: Hefner

H.B. No. 4042

A BILL TO BE ENTITLED

AN ACT

relating to requiring public school students to participate in interscholastic athletic activities based on biological sex.

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

SECTION 1. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.0832 to read as follows:

Sec. 33.0832. INTERSCHOLASTIC ATHLETIC PARTICIPATION BASED ON BIOLOGICAL SEX. (a) Except as provided by Subsection (b), an interscholastic athletic team sponsored or authorized by a school district or open-enrollment charter school may not allow a student to participate in an interscholastic athletic activity sponsored or authorized by the district or school that is designated for the biological sex opposite to the student's biological sex as determined at the student's birth and correctly stated on the student's official birthcertificate.

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

(c) For purposes of this section, a statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex as 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 University Interscholastic League rule; or

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

5 SECTION 2. This Act applies beginning with the 2021-2022
6 school year.

7 SECTION 3. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2021.