

By: Hefner

H.B. No. 4043

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requiring public school students to participate in
3 interscholastic athletic activities based on biological sex,
4 including a report regarding university athletic participation
5 based on biological sex.

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

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

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

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

23 (c) For purposes of this section, a statement of a student's
24 biological sex on the student's official birth certificate is

1 considered to have correctly stated the student's biological sex as
2 determined at the student's birth if the statement was:

3 (1) entered at or near the time of the student's birth,
4 as determined by University Interscholastic League rule; or

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

7 SECTION 2. Subchapter [Z](#), Chapter [51](#), Education Code is
8 amended by adding Section 51.980 to read as follows:

9 Sec. 51.980. REPORT ON UNIVERSITY ATHLETIC PARTICIPATION
10 BASED ON BIOLOGICAL SEX. (a) A university system found in Chapter
11 [65](#), [85](#), [96](#), or [109](#) shall create a report regarding how university
12 athletics and participation may be affected in their university
13 systems if the legislature adopted a similar provision to Section
14 33.0832 for university athletics.

15 (b) Not later than December 1, 2022, the university systems
16 shall submit their reports to the governor, lieutenant governor,
17 and the speaker of the house of representatives.

18 (c) This section expires January 1, 2023.

19 SECTION 3. Subchapter [D](#), Chapter [33](#), Education Code as
20 added by this Act, applies beginning with the 2021-2022 school
21 year.

22 SECTION 4. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section [39](#), Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2021.