

BILL ANALYSIS

Senate Research Center

S.B. 15
By: Middleton et al.
State Affairs
3/10/2023
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 15 amends current law relating to requiring a student of a public institution of higher education who competes in intercollegiate athletic competitions to do so based on the student's biological sex.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 (Section 51.980, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 51, Education Code, by adding Section 51.980, as follows:

Sec. 51.980. INTERCOLLEGIATE ATHLETIC COMPETITION BASED ON BIOLOGICAL SEX. (a) Defines "institution of higher education."

(b) Prohibits an intercollegiate athletic team sponsored or authorized by an institution of higher education, except as provided by Subsection (c), from allowing a student to compete on the team in an intercollegiate athletic competition sponsored or authorized by the institution that is designated for the biological sex opposite to the student's biological sex as correctly stated on:

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

(2) if the student's official birth certificate described by Subdivision (1) is unobtainable, another government record that accurately states the student's biological sex.

(c) Authorizes an intercollegiate athletic team described by Subsection (b) to allow a female student to compete in an intercollegiate athletic competition that is designated for male students if a corresponding intercollegiate athletic competition designated for female students is not offered or available.

(d) Provides that a statement of a student's biological sex on the student's official birth certificate, for purposes of this section, is considered to have correctly stated the student's biological sex only if the statement was entered at or near the time of the student's birth or modified to correct a scrivener or clerical error in the student's biological sex.

(e) Prohibits an institution of higher education or an intercollegiate athletic team described by Subsection (b) from retaliating against a person for reporting a violation of this section.

(f) Requires the Texas Higher Education Coordinating Board to adopt rules to implement this section. Requires that the rules ensure compliance with state and federal law regarding the confidentiality of student medical information, including

Chapter 181 (Medical Records Privacy), Health and Safety Code, and the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.).

(g) Authorizes a person to bring an action for injunctive relief for a violation of this section.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2023.