

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 15
By: Middleton et al.
State Affairs
3/20/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 15 addresses the inherent unfairness of biological males competing against biological females in competitive collegiate level athletics by banning athletes from competing on the team opposite of their biological sex.

C.S.S.B. 15 requires collegiate athletes to compete on the team according to their biological sex, as correctly stated on their birth certificate. The bill applies to public institutions of higher education, and considers the situation in which there is no corresponding women's team by permitting female athletes to compete on a male team if there is not a corresponding female team offered. C.S.S.B. 15 provides whistleblower protections for students who report violations of this bill and permits a person to bring a civil action for injunctive relief against an institution of higher education or intercollegiate athletic team for a violation of the bill.

C.S.S.B. 15 amends current law relating to requiring public institution of higher education students who compete in intercollegiate athletic competitions to compete based on 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, 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 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) Authorizes a person to bring a civil action for injunctive relief against an institution of higher education or an intercollegiate athletic team described by Subsection (b) that violates this section.

(g) 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.).

SECTION 2. Makes application of this Act prospective.

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