

By: Middleton, et al.

S.B. No. 15

A BILL TO BE ENTITLED

AN ACT

relating to requiring public institution of higher education students who compete in intercollegiate athletic competitions to compete based on biological sex.

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

SECTION 1. Subchapter 2, Chapter 51, Education Code, is amended by adding Section 51.980 to read as follows:

Sec. 51.980. INTERCOLLEGIATE ATHLETIC COMPETITION BASED ON BIOLOGICAL SEX. (a) In this section, "institution of higher education" has the meaning assigned by Section 61.003.

(b) Except as provided by Subsection (c), an intercollegiate athletic team sponsored or authorized by an institution of higher education may not allow 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) An intercollegiate athletic team described by Subsection (b) may allow a female student to compete in an

1 intercollegiate athletic competition that is designated for male
2 students if a corresponding intercollegiate athletic competition
3 designated for female students is not offered or available.

4 (d) For purposes of this section, a statement of a student's
5 biological sex on the student's official birth certificate is
6 considered to have correctly stated the student's biological sex
7 only if the statement was:

8 (1) entered at or near the time of the student's birth;

9 or

10 (2) modified to correct a scrivener or clerical error
11 in the student's biological sex.

12 (e) An institution of higher education or an
13 intercollegiate athletic team described by Subsection (b) may not
14 retaliate against a person for reporting a violation of this
15 section.

16 (f) A person may bring a civil action for injunctive relief
17 against an institution of higher education or an intercollegiate
18 athletic team described by Subsection (b) that violates this
19 section.

20 (g) The Texas Higher Education Coordinating Board shall
21 adopt rules to implement this section. The rules must ensure
22 compliance with state and federal law regarding the confidentiality
23 of student medical information, including Chapter 181, Health and
24 Safety Code, and the Health Insurance Portability and
25 Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.).

26 SECTION 2. This Act applies to any intercollegiate athletic
27 competition sponsored or authorized by a public institution of

1 higher education that occurs on or after the effective date of this
2 Act.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2023.