

By: Middleton, et al.
(Swanson)

S.B. No. 15

Substitute the following for S.B. No. 15:

By: Kuempel

C.S.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. This Act may be cited as the Save Women's Sports Act.

SECTION 2. 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:

(1) "Athletic competition" means any athletic display between teams or individuals, such as a contest, exhibition, performance, or sport.

(2) "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:

(1) 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; or

(2) a male student to compete on the team in a

1 mixed-sex intercollegiate athletic competition sponsored or
2 authorized by the institution in a position that is designated by
3 rule or procedure for female students.

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

9 (d) For purposes of this section:

10 (1) a student's biological sex is the biological sex
11 correctly stated on:

12 (A) the student's official birth certificate, as
13 described by Subdivision (2); or

14 (B) if the student's official birth certificate
15 described by Paragraph (A) is unobtainable, another government
16 record that accurately states the student's biological sex; and

17 (2) a statement of a student's biological sex on the
18 student's official birth certificate is considered to have
19 correctly stated the student's biological sex only if the statement
20 was:

21 (A) entered at or near the time of the student's
22 birth; or

23 (B) modified to correct a scrivener or clerical
24 error in the student's biological sex.

25 (e) An institution of higher education or an
26 intercollegiate athletic team described by Subsection (b) may not
27 retaliate against a person for reporting a violation of this

1 section.

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

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

12 SECTION 3. This Act applies to any intercollegiate athletic
13 competition sponsored or authorized by a public institution of
14 higher education that occurs on or after the effective date of this
15 Act.

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