

1-1 By: Middleton, et al. S.B. No. 15  
 1-2 (In the Senate - Filed March 8, 2023; March 9, 2023, read  
 1-3 first time and referred to Committee on State Affairs;  
 1-4 March 21, 2023, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 8, Nays 3; March 21, 2023,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13		X		
1-14		X		
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19		X		

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 15 By: Middleton

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to requiring public institution of higher education  
 1-24 students who compete in intercollegiate athletic competitions to  
 1-25 compete based on biological sex.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Subchapter 2, Chapter 51, Education Code, is  
 1-28 amended by adding Section 51.980 to read as follows:

1-29 Sec. 51.980. INTERCOLLEGIATE ATHLETIC COMPETITION BASED ON  
 1-30 BIOLOGICAL SEX. (a) In this section, "institution of higher  
 1-31 education" has the meaning assigned by Section 61.003.

1-32 (b) Except as provided by Subsection (c), an  
 1-33 intercollegiate athletic team sponsored or authorized by an  
 1-34 institution of higher education may not allow a student to compete  
 1-35 on the team in an intercollegiate athletic competition sponsored or  
 1-36 authorized by the institution that is designated for the biological  
 1-37 sex opposite to the student's biological sex as correctly stated  
 1-38 on:

1-39 (1) the student's official birth certificate, as  
 1-40 described by Subsection (d); or

1-41 (2) if the student's official birth certificate  
 1-42 described by Subdivision (1) is unobtainable, another government  
 1-43 record that accurately states the student's biological sex.

1-44 (c) An intercollegiate athletic team described by  
 1-45 Subsection (b) may allow a female student to compete in an  
 1-46 intercollegiate athletic competition that is designated for male  
 1-47 students if a corresponding intercollegiate athletic competition  
 1-48 designated for female students is not offered or available.

1-49 (d) For purposes of this section, a statement of a student's  
 1-50 biological sex on the student's official birth certificate is  
 1-51 considered to have correctly stated the student's biological sex  
 1-52 only if the statement was:

1-53 (1) entered at or near the time of the student's birth;  
 1-54 or

1-55 (2) modified to correct a scrivener or clerical error  
 1-56 in the student's biological sex.

1-57 (e) An institution of higher education or an  
 1-58 intercollegiate athletic team described by Subsection (b) may not  
 1-59 retaliate against a person for reporting a violation of this  
 1-60 section.

2-1 (f) A person may bring a civil action for injunctive relief  
2-2 against an institution of higher education or an intercollegiate  
2-3 athletic team described by Subsection (b) that violates this  
2-4 section.

2-5 (g) The Texas Higher Education Coordinating Board shall  
2-6 adopt rules to implement this section. The rules must ensure  
2-7 compliance with state and federal law regarding the confidentiality  
2-8 of student medical information, including Chapter 181, Health and  
2-9 Safety Code, and the Health Insurance Portability and  
2-10 Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.).

2-11 SECTION 2. This Act applies to any intercollegiate athletic  
2-12 competition sponsored or authorized by a public institution of  
2-13 higher education that occurs on or after the effective date of this  
2-14 Act.

2-15 SECTION 3. This Act takes effect immediately if it receives  
2-16 a vote of two-thirds of all the members elected to each house, as  
2-17 provided by Section 39, Article III, Texas Constitution. If this  
2-18 Act does not receive the vote necessary for immediate effect, this  
2-19 Act takes effect September 1, 2023.

2-20 \* \* \* \* \*