

HB261 INTRODUCED



1 C6UAWW-1

2 By Representatives DuBose, Fidler, Givens, Holk-Jones, Hulsey,

3 Collins, Shaver, Stadthagen, Kiel, Moore (P), Bedsole,

4 Harrison, Butler, Hammett, Robertson, Lipscomb, Shedd,

5 Yarbrough, Wood (D), Wilcox, Lamb, Shirey, Kitchens, Bolton,

6 Marques, Estes, Sorrells, Mooney, Pettus, Easterbrook, Hurst,

7 Stringer, Oliver, Brown, Shaw, Gidley, Underwood, Kirkland,

8 Rehm, Garrett

9 RFD: Education Policy

10 First Read: 05-Apr-23

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SYNOPSIS:

Under existing law, public K-12 schools are prohibited from participating in, sponsoring, or providing coaching staff for any interscholastic athletic event in the state that is under the purview of an athletic association that allows the participation of biological males in athletic events conducted for females and the participation of biological females in athletic events conducted for biological males.

This bill would require all public two-year and four-year institutions of higher education to prohibit biological males from participating on an athletic team or sport designated for females and prohibit biological females from participating on an athletic team or sport designated for males.

This bill would prohibit any governmental entity or athletic or accrediting organization from taking any adverse action against a public K-12 school or public two-year or four-year institution of higher education, or retaliating against a student who reports a violation of this act.

This bill would also provide a remedy to any student who suffers harm as a result of a violation of this act.



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A BILL

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TO BE ENTITLED

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AN ACT

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35 Relating to two-year and four-year public institutions
36 of higher education; to amend Section 16-1-52, Code of Alabama
37 1975, to prohibit a biological male from participating on an
38 athletic team or sport designated for females; to prohibit a
39 biological female from participating on an athletic team or
40 sport designated for males; to prohibit adverse action against
41 a public K-12 school or public two-year or four-year
42 institution of higher education for complying with this act;
43 to prohibit adverse action or retaliation against a student
44 who reports a violation of this act; and to provide a remedy
45 for any student who suffers harm as a result of a violation of
46 this act.

47 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

48 Section 1. Section 16-1-52 of the Code of Alabama 1975,
49 is amended to read as follows:

50 "§16-1-52

51 (a) The Legislature finds and declares the following:

52 (1) Physical differences between biological males and
53 biological females have long made separate and sex-specific
54 sports teams important so that female athletes can have equal
55 opportunities to compete in sports.

56 (2) Physical advantages for biological males relevant



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57 to sports include, on average, a larger body size with more
58 skeletal muscle mass, a lower percentage of body fat, and
59 greater maximal delivery of anaerobic and aerobic energy than
60 biological females.

61 (3) Even at young ages, biological males typically
62 score higher than biological females on cardiovascular
63 endurance, muscular strength, muscular endurance, and speed
64 and agility. These differences become more pronounced during
65 and after puberty as biological males produce higher levels of
66 testosterone. On average, biological male athletes are bigger,
67 faster, stronger, and more physically powerful than their
68 biological female counterparts. This results in a significant
69 sports performance gap between the sexes.

70 (4) Studies have shown that the benefits that natural
71 testosterone provides to biological male athletes is not
72 significantly diminished through the use of testosterone
73 suppression. Testosterone suppression in biological males does
74 not result in a level playing field between biological male
75 and biological female athletes.

76 (5) Because of the physical differences between
77 biological males and biological females, having separate
78 athletic teams based on the athletes' biological sex reduces
79 the chance of injury to biological female athletes and
80 promotes sex equality. It provides opportunities for
81 biological female athletes to compete against their peers
82 rather than against biological male athletes, and allows
83 biological female athletes to compete on a fair playing field
84 for scholarships and other athletic accomplishments.



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85 (b) (1) Except as provided in subsection (c), a public
86 K-12 school may not participate in, sponsor, or provide
87 coaching staff for interscholastic athletic events within this
88 state that are either scheduled by or conducted under the
89 authority of any athletic association of the state that
90 permits or allows participation in athletic events within the
91 state conducted exclusively for males by any individual who is
92 not a biological male or participation in athletic events
93 within the state conducted exclusively for females by any
94 individual who is not a biological female.

95 (2) A public K-12 school may not allow a biological
96 female to participate on a male team if there is a female team
97 in a sport. A public K-12 school may not allow a biological
98 male to participate on a female team.

99 (c) ~~This section~~ Subsection (b) does not apply to
100 athletic events at which both biological males and biological
101 females are permitted or allowed to participate.

102 (d) (1) An intercollegiate or intramural athletic team
103 or sport sponsored by a public two-year or four-year
104 institution of higher education that is designated for
105 females, women, or girls shall not be open to a biological
106 male.

107 (2) An intercollegiate or intramural athletic team or
108 sport sponsored by a public two-year or four-year institution
109 of higher education that is designated for males, men, or boys
110 shall not be open to a biological female.

111 (3) Nothing in this subsection shall be construed to
112 restrict the eligibility of any student to participate on any



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113 intercollegiate or intramural athletic team or sport
114 designated as coed or mixed.

115 (e) A governmental entity, licensing or accrediting
116 organization, or athletic association or organization may not
117 do either of the following:

118 (1) File a complaint, open an investigation, or take
119 any other adverse action against a public K-12 school or
120 public two-year or four-year institution of higher education
121 for maintaining separate athletic teams or sports for students
122 of the female sex or male sex.

123 (2) Retaliate or take any adverse action against a
124 student who reports a violation of this section to an employee
125 or representative of the public K-12 school, public two-year
126 or four-year institution of higher education, athletic
127 association or organization, or to any state or federal agency
128 with oversight of public K-12 schools or public two-year or
129 four-year institutions of higher education in the state.

130 (f) Any student who is deprived of an athletic
131 opportunity or suffers any direct or indirect harm as a result
132 of a violation of this section shall have a private cause of
133 action for injunctive relief, damages, attorney fees, and any
134 other relief available under the law.

135 (g) It is the intent of the Legislature that
136 constitutionally-created boards of trustees comply with the
137 requirements of this section."

138 Section 2. This act shall become effective on the first
139 day of the third month following its passage and approval by
140 the Governor, or its otherwise becoming law.