Texas Bill Restricting Transgender Student-Athlete Sports Participation About to Become Law

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Texas House Bill 25, “The Save Women’s Sports Bill,” would bar public school students from participating in interscholastic athletic opportunities designated for the opposite “biological sex.”

The proposed legislation was passed by the Texas State Senate by a 19-12 margin, and an amended version of the measure received support and approval from the State House of Representatives. The bill will now be presented to Texas Governor
Governor Abbott, who has strongly supported previous legislative efforts restricting transgender youth participation in interscholastic sports, is expected to sign the bill into law.

The bill’s sponsor, Rep. Valoree Swanson, has explained that the bill seeks to protect competitive fairness, the safety of girls (who might otherwise be competing against bigger, faster, and stronger “biological males”), and girls’ right to equal access to athletic opportunities as guaranteed under Title IX. Acknowledging the University Interscholastic League (UIL), the governing body of school sports in Texas, previously adopted a 2016 rule that requires athletes to compete in sports based on the gender listed on their birth certificates, Swanson maintained her bill only seeks to codify existing UIL rules.

House Bill 25’s stated purpose is to remedy past discrimination for girls who historically were denied sufficient interscholastic athletic opportunities because:

1. **Boys historically participate in interscholastic athletics at higher rates than girls;**

2. **Courts have identified a legitimate and important governmental interest in remedying past discrimination against girls in athletics on the basis of sex and endorsed equality of athletic opportunity between the sexes under Title IX; and**

3. **Courts have identified that classification by sex is the only suitable classification to promote the governmental interest of providing for interscholastic athletic opportunities for girls.**

"The bill bars schools from allowing students to compete in an interscholastic athletic competition authorized by the district or school that is designated for the biological sex opposite to the student’s biological sex."

Schools or districts must to look at the student’s official birth certificate to determine biological sex. If an official birth certificate is not obtainable, then another governmental record must identify the student’s biological sex.

Rep. Mary Gonzalez is among the legislators who strongly opposed the bill. She commented, “This bill has one target, trans and intersex youth. And knowing that this bill has a target and can hurt innocent children – why are we even having this debate?"

Gonzalez stated, “[T]here is no issue with transgender and intersex students playing sports.”

Several state and national LGBTQ rights groups plan to challenge the bill. Houston’s professional men and women’s soccer teams, the WNBA, and a coalition of around 1,500 companies have taken a stand against the bill.
Legislation similar to House Bill 25 has become law in five other states; however, the Texas bill is arguably the most restrictive. In an effort to address potential privacy concerns, the bill requires school districts to comply with state and federal law regarding the confidentiality of student medical information. It identifies Chapter 181 of the Health and Safety Code and the HIPAA as laws school districts must comply with.