

HB261 ENGROSSED



1 C6UAWW-2

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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A BILL
TO BE ENTITLED
AN ACT

Relating to two-year and four-year public institutions of higher education; to amend Section 16-1-52, Code of Alabama 1975, to prohibit a biological male from participating on an athletic team or sport designated for females; to prohibit a biological female from participating on an athletic team or sport designated for males; to prohibit adverse action against a public K-12 school or public two-year or four-year institution of higher education for complying with this act; to prohibit adverse action or retaliation against a student who reports a violation of this act; and to provide a remedy for any student who suffers harm or is directly deprived of an athletic opportunity as a result of a violation of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§16-1-52

(a) The Legislature finds and declares the following:

(1) Physical differences between biological males and biological females have long made separate and sex-specific sports teams important so that female athletes can have equal



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29 opportunities to compete in sports.

30 (2) Physical advantages for biological males relevant
31 to sports include, on average, a larger body size with more
32 skeletal muscle mass, a lower percentage of body fat, and
33 greater maximal delivery of anaerobic and aerobic energy than
34 biological females.

35 (3) Even at young ages, biological males typically
36 score higher than biological females on cardiovascular
37 endurance, muscular strength, muscular endurance, and speed
38 and agility. These differences become more pronounced during
39 and after puberty as biological males produce higher levels of
40 testosterone. On average, biological male athletes are bigger,
41 faster, stronger, and more physically powerful than their
42 biological female counterparts. This results in a significant
43 sports performance gap between the sexes.

44 (4) Studies have shown that the benefits that natural
45 testosterone provides to biological male athletes is not
46 significantly diminished through the use of testosterone
47 suppression. Testosterone suppression in biological males does
48 not result in a level playing field between biological male
49 and biological female athletes.

50 (5) Because of the physical differences between
51 biological males and biological females, having separate
52 athletic teams based on the athletes' biological sex reduces
53 the chance of injury to biological female athletes and
54 promotes sex equality. It provides opportunities for
55 biological female athletes to compete against their peers
56 rather than against biological male athletes, and allows



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57 biological female athletes to compete on a fair playing field
58 for scholarships and other athletic accomplishments.

59 (b) (1) Except as provided in subsection (c), a public
60 K-12 school may not participate in, sponsor, or provide
61 coaching staff for interscholastic athletic events within this
62 state that are either scheduled by or conducted under the
63 authority of any athletic association of the state that
64 permits or allows participation in athletic events within the
65 state conducted exclusively for males by any individual who is
66 not a biological male or participation in athletic events
67 within the state conducted exclusively for females by any
68 individual who is not a biological female.

69 (2) A public K-12 school may not allow a biological
70 female to participate on a male team if there is a female team
71 in a sport. A public K-12 school may not allow a biological
72 male to participate on a female team.

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

76 (d) (1) An intercollegiate ~~or intramural~~ athletic team
77 or sport sponsored by a public two-year or four-year
78 institution of higher education that is designated for
79 females, women, or girls shall not be open to a biological
80 male.

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



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85 (3) Nothing in this subsection shall be construed to
86 restrict the eligibility of any student to participate on any
87 intercollegiate or intramural athletic team or sport
88 designated as coed or mixed.

89 (e) A governmental entity, licensing or accrediting
90 organization, or athletic association or organization may not
91 do either of the following:

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

97 (2) Retaliate or take any adverse action against a
98 student who reports—a an alleged violation of this section to
99 an employee or representative of the public K-12 school,
100 public two-year or four-year institution of higher education,
101 athletic association or organization, or to any state or
102 federal agency with oversight of public K-12 schools or public
103 two-year or four-year institutions of higher education in the
104 state.

105 (f) Any student who is directly deprived of an athletic
106 opportunity or suffers any direct—~~or indirect~~ harm as a result
107 of a violation of this section shall have a private cause of
108 action for injunctive relief, damages, attorney fees, and any
109 other relief available under the law. All civil actions under
110 this section shall be initiated within two years from the date
111 the harm occurred.

112 (g) No cause of action may be maintained against any



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113 employee, officer, agent, trustee, director, or board member
114 of a public K-12 school, public two-year or four-year
115 institution of higher education, athletic association, or
116 organization whose actions were in compliance with
117 subdivisions (d)(1) and (d)(2).

118 (h) It is the intent of the Legislature that
119 constitutionally-created boards of trustees comply with the
120 requirements of this section."

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



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House of Representatives

Read for the first time and referred05-Apr-23
to the House of Representatives
committee on Education Policy

Read for the second time and placed12-Apr-23
on the calendar:
0 amendments

Read for the third time and passed18-Apr-23
as amended
Yeas 83
Nays 5
Abstains 14

John Treadwell
Clerk