

HCS HB 183 -- STUDENT ATHLETES

SPONSOR: Burger

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on General Laws by a vote of 9 to 5. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 7 to 2.

The following is a summary of the House Committee Substitute for HB 183.

This bill defines "sex" as, the two main categories of male and female into which individuals are divided based on an individual's reproductive biology at birth and the individual's genome.

The bill prohibits public school districts and charter schools from allowing students grade six to 12 and public and private postsecondary educational institutions from allowing any student to compete in an athletics competition designated for the opposite sex, as determined by the student's official birth certificate, or if unobtainable, another government record. However, a female student may be allowed to compete in an athletics competition designated for male students if there is no such athletics competition for female students offered. The bill clarifies that biological sex is only correctly stated on birth certificates if it was entered at or near the time of birth or modified to correct scrivener's error.

No public school shall be a member of any statewide athletic organization, and shall not compete in athletic events with a private or parochial school, that does not have a policy that is substantially similar to the provisions of this bill. No postsecondary educational institution shall allow a student to compete in an athletics competition of any intercollegiate association that does not have a policy that is substantially similar to the provisions of this bill.

In each school year a school district, charter school, or private school violates the provisions of this bill, the Department of Elementary and Secondary Education shall withhold a percentage of any monthly distribution of state formula funding and any other revenues from the state that are distributed, as described in the bill.

In each fiscal year a public postsecondary educational institution violates the provision of the bill, that institution shall remit a fine in an amount of the postsecondary institution's current fiscal year state operating appropriation, as described in the bill. In

each fiscal year a private postsecondary educational institution violates the provision of the bill, that institution shall be fined up to \$1 million as determined by the Coordinating Board of Higher Education.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

**PROPOSERS:** Supporters say that this bill is a matter of fairness in competition and opportunity for female student athletes. There have been recent examples of biological males competing and succeeding against biological women. This leads to athletic opportunities being unfairly taken away. Several other states have already passed similar legislation to preserve women's sports. This bill does not prohibit anyone from competing, only ensuring biological girls and women have fair access to opportunities for athletic participation and scholarships, promoting fair competition for all. Current policies of sports governing bodies are failing to provide fair competition and ensure adequate protections for female athletes. This bill furthers the protections established by Title IX. Further, proponents say this bill promotes safety amongst competitors. Allowing biological males to compete on teams for biological girls and women's changes the underlying rules and intentions of the sport.

Testifying in person for the bill were Representative Burger; Theresa Collins; Jay Ashcroft; Nancy DeClour; Cynthia L. Jones; Concerned Women For America Of Missouri; and Rachl Aguirre.

**OPPOSERS:** Those who oppose the bill say that sports governing bodies at the state, national, and international level have already appropriately addressed and continue to address this issue. These bodies have promulgated rules for controlling transgender athlete competition. This bill does not protect women participating in sports or their opportunities. Instead, it merely discriminates. Opponents say that supporters of this bill have not done enough research or due diligence on this topic or have taken the time to reach out to people personally affected by this legislation. Sports is about the opportunity to play, grow, experience different values, and enjoy developmental opportunities. This bill is politically motivated and takes away these important aspects of sports from an already at-risk group of students. Further, this bill raises funding implications. Businesses may leave the state and other economic opportunities may be lost if this bill were to become law. It is not the government's role to intrude, and this bill will inflict greater harm on the transgender community without preserving or protecting the integrity of sports.

Testifying in person against the bill were Jennifer Harper; Patrick Thomas Mann; Pro Choice Missouri; Advocates of Planned Parenthood of yhe St. Louis Region and Southwest Missouri; Debi Jackson; Kerri Schafer; Rev. Mike Angell; Missouri NEA; Justice Horn; Quinton Lucas; City of Kansas City; Greater Kansas City Chamber of Commerce; Rori Picker Neiss; Ashley Quinn; Ashley Quinn, National Avenue Christian Church; National Association of Social Workers-Missouri Chapter; Dakota Allen; Dan Neiss; Jacque Bardgett, Mayor Jones, City Of St. Louis; Jennifer Harris Dault; Nathan Orr; Neon Liebson; Rori Picker Neiss, Jewish Community Relations Council; Russel Neiss; Struby K Struble; Tom Jackson; Anne Lieberman, Athlete Ally; Brandon Boulware; Connor Thompson; Christine Hyman; Corey Hyman; Danielle Meert; James Thurow; Jamie Cayley; Lori Lindsey; Luke James; Pam Boteler, Women Can International/Former Team USA; Susan Halla, Transparent; and Dean Andersen.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.