

SS#2 SB 39 -- ATHLETIC COMPETITION

SPONSOR: Thompson Rehder (Burger)

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on General Laws by a vote of 10 to 4. Voted "Do Pass" by the Standing Committee on Legislative Oversight by a vote of 7 to 3.

This bill prohibits a private school, public school district, public charter school, or public or private institution of postsecondary education from allowing any student to compete in an athletic competition that is designated for the biological sex opposite to the student's biological sex as stated on the student's official birth certificate or other government record as described in the bill.

The bill specifies what constitutes an acceptable official birth certificate. A private school, public school district, public charter school, or public or private institution of postsecondary education may allow a female student to compete in an athletic competition designated for male students if no corresponding competition for female students is offered or available.

Any private school, public school district, public charter school, or public or private institution of postsecondary education that violates the provisions of this bill shall not receive any state aid or other revenues from the state. The parent or guardian of any student, or any student who is over 18 years old, who is deprived of an athletic opportunity as a result of a violation of the bill shall have a cause of action for injunctive or other equitable relief as described in the bill.

This bill is similar to HB 2197 (2022).

PROPONENTS: Supporters say that it is important not to lose the gains that have been made over the last 50 years following the passage of Title IX as it relates to women's rights and access to fair competition and opportunities. This bill protects the opportunities and participation of girls in sports.

Testifying in person for the bill was Senator Thompson Rehder.

OPPONENTS: Those who oppose the bill say that the Missouri State High School Activities Association (MSHSAA) is already working proactively on this issue and has developed and continues to develop good policy. Transgender student-athletes want what all other students already have access to: fair access and opportunity to participate, compete, and grow. The current rules are the most

effective, prudent, and fiscally responsible way of handling transgender athletic participation, handled on a case-by-case basis. This bill is an inappropriate blanket ban that will result in harm. Transgender athletes are not participating to take away opportunities from others, but instead are participating for the same reason all students and children participate: for fun, growth, and community. This bill denies one of the most important aspects of the gift of childhood. This bill will result in real and acute injury to an already vulnerable and marginalized part of the community. This bill attempts to solve a problem that does not exist, and instead sends a message to transgender children that they are the problem. This bill enables a permission structure for further hate and discrimination against the transgender community. This bill denies simple public accommodations and fundamental rights to a very small and targeted segment of the population.

Testifying in person against the bill were Jewish Community Relations Council; Debi Jackson; Jennifer Harper; Lisa Spahr; Sarah E Golladay; City of St. Louis; The Associated Students of the University of Missouri; Katherine Sasser; Katrina Lacombe, Youth In Need; Shana Trager; City of Kansas City; Greater Kansas City Chamber of Commerce; Suzanne Godfrey; Andrew Rodriguez Damsgaard; Anna Dewald; Barbara Koczyk; Cory Dewald; Daiva Rutsch; Em Beckmeier Larsson; Eury Speer; Jack Charbonneau; Jaden Murray; James Thurow; Suicide Prevention Coalition of the Ozarks; Jeff Dewald; Jennifer Harris Dault; Nathan Fields; Justin Ferguson; Kathleen M. Balmer; Leonora Kham; Luka Chabolla; Machel Warren; Martha Echols; May Hall; Natalie Murray; Neon Liebson; Rabbi Daniel Bogard; Rene Freels; Susan Halla; Ben Greene; Christopher Kyle Andrews; Jacob W. Norman; Missouri NEA; ACLU of Missouri; Danielle Meert; Pro Choice Missouri; A. Mazzeo; Amy Hammerman; and Danielle Meert.

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