

FIRST REGULAR SESSION

HOUSE BILL NO. 1354

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DURNELL.

2601H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 163.048, RSMo, and to enact in lieu thereof two new sections relating to protection of students.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 163.048, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 163.048 and 171.425, to read as follows:

163.048. 1. As used in this section, the following terms mean:

(1) "Athletics", any interscholastic athletic games, contests, programs, activities, exhibitions, or other similar competitions organized and provided for students;

(2) "Sex", 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.

2. (1) The general assembly hereby finds the following:

(a) A noticeable disparity continues between the athletics participation rates of students who are male and students who are female; and

(b) Courts have recognized that classification by sex is the only feasible classification to promote the governmental interest of providing opportunities for athletics for females.

(2) The general assembly hereby declares that it is the public policy of this state to further the governmental interest of ensuring that sufficient opportunities for athletics remain available for females to remedy past discrimination on the basis of sex.

3. (1) Except as provided under subdivision (2) of this subsection, no private school, public school district, public charter school, or public or private institution of postsecondary education shall allow any student to compete in an athletics competition that is designated for the biological sex opposite to the student's biological sex as correctly stated on the student's

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 official birth certificate as described in subsection 4 of this section or, if the student's official
19 birth certificate is unobtainable, another government record.

20 (2) A private school, public school, public charter school, or public or private
21 institution of postsecondary education may allow a female student to compete in an athletics
22 competition that is designated for male students if no corresponding athletics competition
23 designated for female students is offered or available.

24 4. For purposes of this section, a statement of a student's biological sex on the
25 student's official birth certificate or another government record shall be deemed to have
26 correctly stated the student's biological sex only if the statement was:

27 (1) Entered at or near the time of the student's birth; or

28 (2) Modified to correct any scrivener's error in the student's biological sex.

29 5. A private school, public school district, public charter school, or public or private
30 institution of postsecondary education that violates subdivision (1) of subsection 3 of this
31 section shall not receive any state aid under this chapter or chapter 173 or any other revenues
32 from the state.

33 6. The parent or guardian of any student, or any student who is over eighteen years of
34 age, who is deprived of an athletic opportunity as a result of a violation of this section shall
35 have a cause of action for injunctive or other equitable relief, as well as payment of
36 reasonable attorney's fees, costs, and expenses of the parent, guardian, or student. The relief
37 and remedies set forth shall not be deemed exclusive and shall be in addition to any other
38 relief or remedies permitted by law.

39 7. The department of elementary and secondary education and the department of
40 higher education and workforce development shall each promulgate all necessary rules and
41 regulations for the implementation and administration of this section. Such rules and
42 regulations shall ensure compliance with state and federal law regarding the confidentiality of
43 student medical information. Any rule or portion of a rule, as that term is defined in section
44 536.010, that is created under the authority delegated in this section shall become effective
45 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
46 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
47 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
48 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant
49 of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be
50 invalid and void.

51 8. ~~The provisions of this section shall expire on August 28, 2027.~~

52 9.] If any provision of this section or the application thereof to anyone or to any
53 circumstance is held invalid, the remainder of this section and the application of such
54 provisions to others or other circumstances shall not be affected thereby.

171.425. 1. For the purposes of this section, the following terms shall mean:

2 **(1) "Biological sex", the physical condition of being male or female, identified at**
3 **birth by a person's anatomy and indicated on such person's birth certificate;**

4 **(2) "Public school", the same definition as in section 160.011.**

5 **2. In every public school setting in which a student may be in a state of undress**
6 **in the presence of other students, school personnel shall provide separate, distinct areas**
7 **designated for use by students based on such students' biological sex to ensure the**
8 **personal privacy and safety of students.**

9 **3. Every public school shower room, locker room, and restroom designated for**
10 **student use and that is accessible by multiple students at the same time shall be**
11 **designated for and used only by students of the same biological sex. At no time shall a**
12 **student be allowed to access a public school shower room, locker room, or restroom**
13 **designated for use by the opposite biological sex.**

14 **4. (1) A student who asserts to school officials that such student's gender is**
15 **different from such student's biological sex may be provided with alternative shower**
16 **room, locker room, or restroom accommodations, provided that a parent or legal**
17 **guardian of a minor child who makes such assertion shall provide written consent to use**
18 **of such alternative accommodations. Such accommodations shall not include the use of**
19 **student shower rooms, locker rooms, or restrooms designated for use by students of the**
20 **opposite biological sex.**

21 **(2) Acceptable accommodations may include, but are not limited to, controlled**
22 **use of faculty shower rooms, locker rooms, or restrooms, or access to single-stall**
23 **restrooms and unisex bathrooms.**

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