

SECOND REGULAR SESSION

# HOUSE BILL NO. 2565

## 103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MYERS.

5982H.011

JOSEPH ENGLER, Chief Clerk

### AN ACT

To repeal section 163.048, RSMo, and to enact in lieu thereof one new section relating to participation in athletics competitions.

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

Section A. Section 163.048, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 163.048, to read as follows: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

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