

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend SS/House Bill No. 419, Page 1, Section 41.890, Line 8,

2 by inserting after all of said line the following:

3 "163.048. 1. As used in this section, the following
4 terms mean:

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

8 (2) "Sex", the two main categories of male and female
9 into which individuals are divided based on an individual's
10 reproductive biology at birth and the individual's genome.

11 2. (1) The general assembly hereby finds the
12 following:

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

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

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

25 3. (1) Except as provided under subdivision (2) of
26 this subsection, no private school, public school district,

27 public charter school, or public or private institution of
28 postsecondary education shall allow any student to compete
29 in an athletics competition that is designated for the
30 biological sex opposite to the student's biological sex as
31 correctly stated on the student's official birth certificate
32 as described in subsection 4 of this section or, if the
33 student's official birth certificate is unobtainable,
34 another government record.

35 (2) A private school, public school, public charter
36 school, or public or private institution of postsecondary
37 education may allow a female student to compete in an
38 athletics competition that is designated for male students
39 if no corresponding athletics competition designated for
40 female students is offered or available.

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

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

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

50 5. A private school, public school district, public
51 charter school, or public or private institution of
52 postsecondary education that violates subdivision (1) of
53 subsection 3 of this section shall not receive any state aid
54 under this chapter or chapter 173 or any other revenues from
55 the state.

56 6. The parent or guardian of any student, or any
57 student who is over eighteen years of age, who is deprived
58 of an athletic opportunity as a result of a violation of
59 this section shall have a cause of action for injunctive or

60 other equitable relief, as well as payment of reasonable
61 attorney's fees, costs, and expenses of the parent,
62 guardian, or student. The relief and remedies set forth
63 shall not be deemed exclusive and shall be in addition to
64 any other relief or remedies permitted by law.

65 7. The department of elementary and secondary
66 education and the department of higher education and
67 workforce development shall each promulgate all necessary
68 rules and regulations for the implementation and
69 administration of this section. Such rules and regulations
70 shall ensure compliance with state and federal law regarding
71 the confidentiality of student medical information. Any
72 rule or portion of a rule, as that term is defined in
73 section 536.010, that is created under the authority
74 delegated in this section shall become effective only if it
75 complies with and is subject to all of the provisions of
76 chapter 536 and, if applicable, section 536.028. This
77 section and chapter 536 are nonseverable and if any of the
78 powers vested with the general assembly pursuant to chapter
79 536 to review, to delay the effective date, or to disapprove
80 and annul a rule are subsequently held unconstitutional,
81 then the grant of rulemaking authority and any rule proposed
82 or adopted after August 28, 2023, shall be invalid and void.

83 8. [The provisions of this section shall expire on
84 August 28, 2027.]

85 9.] If any provision of this section or the
86 application thereof to anyone or to any circumstance is held
87 invalid, the remainder of this section and the application
88 of such provisions to others or other circumstances shall
89 not be affected thereby."; and

90 Further amend the title and enacting clause accordingly.