

SENATE BILL NO. 1278

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

3963S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 163.048, RSMo, and to enact in lieu thereof one new section relating to performance enhancing drugs in student athletics.

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Section A. Section 163.048, RSMo, is repealed and one new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

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

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

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

9 2. (1) The general assembly hereby finds the
10 following:

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

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

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

23 3. (1) Except as provided under subdivision (2) of
24 this subsection, no private school, public school district,
25 public charter school, or public or private institution of
26 postsecondary education shall allow any student to compete
27 in an athletics competition that is designated for the
28 biological sex opposite to the student's biological sex as
29 correctly stated on the student's official birth certificate
30 as described in subsection [4] 5 of this section or, if the
31 student's official birth certificate is unobtainable,
32 another government record.

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

39 4. **No private school, public school, public charter**
40 **school, public school district, or public or private**
41 **institution of postsecondary education shall be a member of,**
42 **or remit any funds to, any statewide athletic activities**
43 **association or national intercollegiate athletics**
44 **organization that allows student athletes to use performance**
45 **enhancing drugs.**

46 5. For purposes of this section, a statement of a
47 student's biological sex on the student's official birth
48 certificate or another government record shall be deemed to

49 have correctly stated the student's biological sex only if
50 the statement was:

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

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

55 [5.] 6. A private school, public school district,
56 public charter school, or public or private institution of
57 postsecondary education that violates subdivision (1) of
58 subsection 3 of this section **or subsection 4 of this section**
59 shall not receive any state aid under this chapter or
60 chapter 173 or any other revenues from the state.

61 [6.] 7. The parent or guardian of any student, or any
62 student who is over eighteen years of age, who is deprived
63 of an athletic opportunity as a result of a violation of
64 this section shall have a cause of action for injunctive or
65 other equitable relief, as well as payment of reasonable
66 attorney's fees, costs, and expenses of the parent,
67 guardian, or student. The relief and remedies set forth
68 shall not be deemed exclusive and shall be in addition to
69 any other relief or remedies permitted by law.

70 [7.] 8. The department of elementary and secondary
71 education and the department of higher education and
72 workforce development shall each promulgate all necessary
73 rules and regulations for the implementation and
74 administration of this section. Such rules and regulations
75 shall ensure compliance with state and federal law regarding
76 the confidentiality of student medical information. Any
77 rule or portion of a rule, as that term is defined in
78 section 536.010, that is created under the authority
79 delegated in this section shall become effective only if it
80 complies with and is subject to all of the provisions of

81 chapter 536 and, if applicable, section 536.028. This
82 section and chapter 536 are nonseverable and if any of the
83 powers vested with the general assembly pursuant to chapter
84 536 to review, to delay the effective date, or to disapprove
85 and annul a rule are subsequently held unconstitutional,
86 then the grant of rulemaking authority and any rule proposed
87 or adopted after August 28, 2023, shall be invalid and void.

88 [8.] 9. The provisions of this section shall expire on
89 August 28, 2027.

90 [9.] 10. If any provision of this section or the
91 application thereof to anyone or to any circumstance is held
92 invalid, the remainder of this section and the application
93 of such provisions to others or other circumstances shall
94 not be affected thereby.

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