

HB261 ENROLLED



1 C6UAWW-3

2 By Representatives DuBose, Fidler, Givens, Holk-Jones, Hulsey,

3 Collins, Shaver, Stadthagen, Kiel, Moore (P), Bedsole,

4 Harrison, Butler, Hammett, Robertson, Lipscomb, Shedd,

5 Yarbrough, Wood (D), Wilcox, Lamb, Shirey, Kitchens, Bolton,

6 Marques, Estes, Sorrells, Mooney, Pettus, Easterbrook, Hurst,

7 Stringer, Oliver, Brown, Shaw, Gidley, Underwood, Kirkland,

8 Rehm, Garrett

9 RFD: Education Policy

10 First Read: 05-Apr-23

11 2023 Regular Session



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1 Enrolled, An Act,

2
3 Relating to two-year and four-year public institutions
4 of higher education; to amend Section 16-1-52, Code of Alabama
5 1975, to prohibit a biological male from participating on an
6 athletic team or sport designated for females; to prohibit a
7 biological female from participating on an athletic team or
8 sport designated for males; to prohibit adverse action against
9 a public K-12 school or public two-year or four-year
10 institution of higher education for complying with this act;
11 to prohibit adverse action or retaliation against a student
12 who reports a violation of this act; and to provide a remedy
13 for any student who suffers harm or is directly deprived of an
14 athletic opportunity as a result of a violation of this act.
15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 16-1-52 of the Code of Alabama 1975,
17 is amended to read as follows:

18 "§16-1-52

19 (a) The Legislature finds and declares the following:

20 (1) Physical differences between biological males and
21 biological females have long made separate and sex-specific
22 sports teams important so that female athletes can have equal
23 opportunities to compete in sports.

24 (2) Physical advantages for biological males relevant
25 to sports include, on average, a larger body size with more
26 skeletal muscle mass, a lower percentage of body fat, and
27 greater maximal delivery of anaerobic and aerobic energy than
28 biological females.



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29 (3) Even at young ages, biological males typically
30 score higher than biological females on cardiovascular
31 endurance, muscular strength, muscular endurance, and speed
32 and agility. These differences become more pronounced during
33 and after puberty as biological males produce higher levels of
34 testosterone. On average, biological male athletes are bigger,
35 faster, stronger, and more physically powerful than their
36 biological female counterparts. This results in a significant
37 sports performance gap between the sexes.

38 (4) Studies have shown that the benefits that natural
39 testosterone provides to biological male athletes is not
40 significantly diminished through the use of testosterone
41 suppression. Testosterone suppression in biological males does
42 not result in a level playing field between biological male
43 and biological female athletes.

44 (5) Because of the physical differences between
45 biological males and biological females, having separate
46 athletic teams based on the athletes' biological sex reduces
47 the chance of injury to biological female athletes and
48 promotes sex equality. It provides opportunities for
49 biological female athletes to compete against their peers
50 rather than against biological male athletes, and allows
51 biological female athletes to compete on a fair playing field
52 for scholarships and other athletic accomplishments.

53 (b) (1) Except as provided in subsection (c), a public
54 K-12 school may not participate in, sponsor, or provide
55 coaching staff for interscholastic athletic events within this
56 state that are either scheduled by or conducted under the



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57 authority of any athletic association of the state that
58 permits or allows participation in athletic events within the
59 state conducted exclusively for males by any individual who is
60 not a biological male or participation in athletic events
61 within the state conducted exclusively for females by any
62 individual who is not a biological female.

63 (2) A public K-12 school may not allow a biological
64 female to participate on a male team if there is a female team
65 in a sport. A public K-12 school may not allow a biological
66 male to participate on a female team.

67 (c) ~~This section~~ Subsection (b) does not apply to
68 athletic events at which both biological males and biological
69 females are permitted or allowed to participate.

70 (d) (1) An intercollegiate ~~or intramural~~ athletic team
71 or sport sponsored by a public two-year or four-year
72 institution of higher education that is designated for
73 females, women, or girls shall not be open to a biological
74 male.

75 (2) An intercollegiate ~~or intramural~~ athletic team or
76 sport sponsored by a public two-year or four-year institution
77 of higher education that is designated for males, men, or boys
78 shall not be open to a biological female.

79 (3) Nothing in this subsection shall be construed to
80 restrict the eligibility of any student to participate on any
81 intercollegiate or intramural athletic team or sport
82 designated as coed or mixed.

83 (e) A governmental entity, licensing or accrediting
84 organization, or athletic association or organization may not



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85 do either of the following:

86 (1) File a complaint, open an investigation, or take
87 any other adverse action against a public K-12 school or
88 public two-year or four-year institution of higher education
89 for maintaining separate athletic teams or sports for students
90 of the female sex or male sex.

91 (2) Retaliate or take any adverse action against a
92 student who reports ~~a~~ an alleged violation of this section to
93 an employee or representative of the public K-12 school,
94 public two-year or four-year institution of higher education,
95 athletic association or organization, or to any state or
96 federal agency with oversight of public K-12 schools or public
97 two-year or four-year institutions of higher education in the
98 state.

99 (f) Any student who is directly deprived of an athletic
100 opportunity or suffers any direct ~~or indirect~~ harm as a result
101 of a violation of this section shall have a private cause of
102 action for injunctive relief, damages, attorney fees, and any
103 other relief available under the law. All civil actions under
104 this section shall be initiated within two years from the date
105 the harm occurred.

106 (g) ~~No~~ Except as provided in Section 36-1-12, no cause
107 of action may be maintained against any employee, officer,
108 agent, trustee, director, or board member of a public K-12
109 school, public two-year or four-year institution of higher
110 education, athletic association, or organization whose actions
111 were in compliance with subdivisions (d) (1) and (d) (2).

112 (h) It is the intent of the Legislature that



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113 constitutionally-created boards of trustees comply with the
114 requirements of this section."

115 Section 2. This act shall become effective on the first
116 day of the third month following its passage and approval by
117 the Governor, or its otherwise becoming law.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 18-Apr-23, as amended.

John Treadwell
Clerk

Senate **03-May-23**

Passed

House **24-May-23**

Concurred in
Senate Amendment