

# SENATE BILL NO. 39

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR THOMPSON REHDER.

0815S.01H

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 163, RSMo, by adding thereto one new section relating to participation in athletic competition.

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

Section A. Chapter 163, RSMo, is amended by adding thereto one new section, 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;

(b) Courts have recognized a legitimate and important governmental interest in redressing past discrimination against females in athletics on the basis of sex and promoting equality of athletic opportunity between the sexes

18 under Title IX of the federal Education Amendments of 1972  
19 (20 U.S.C. Section 1681, et seq.), as amended; and

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

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

29 3. (1) Except as provided under subdivision (2) of  
30 this subsection, no school district or charter school shall  
31 allow any student to compete in an athletics competition  
32 that is designated for the biological sex opposite to the  
33 student's biological sex as correctly stated on the  
34 student's official birth certificate as described in  
35 subsection 4 of this section or, if the student's official  
36 birth certificate is unobtainable, another government record.

37 (2) A school district or charter school may allow a  
38 female student to compete in an athletics competition that  
39 is designated for male students if no corresponding  
40 athletics competition designated for female students is  
41 offered or available.

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

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

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

51           5. No school district or charter school that violates  
52 subdivision (1) of subsection 3 of this section shall  
53 receive any state aid under this chapter or any other  
54 revenues from the state.

55           6. The department of elementary and secondary  
56 education shall promulgate all necessary rules and  
57 regulations for the implementation and administration of  
58 this section. Such rules and regulations shall ensure  
59 compliance with state and federal law regarding the  
60 confidentiality of student medical information. Any rule or  
61 portion of a rule, as that term is defined in section  
62 536.010, that is created under the authority delegated in  
63 this section shall become effective only if it complies with  
64 and is subject to all of the provisions of chapter 536 and,  
65 if applicable, section 536.028. This section and chapter  
66 536 are nonseverable and if any of the powers vested with  
67 the general assembly pursuant to chapter 536 to review, to  
68 delay the effective date, or to disapprove and annul a rule  
69 are subsequently held unconstitutional, then the grant of  
70 rulemaking authority and any rule proposed or adopted after  
71 August 28, 2023, shall be invalid and void.

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