

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: HB1387

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Greenhalgh

3. Committee: Education

4. Title: K-12 schools/higher ed. institution; designation of interscholastic, etc., sports based on sex, etc.

5. Summary: Requires each interscholastic, intercollegiate, intramural, or club athletic team or sport sponsored by a public elementary or secondary school or by a public institution of higher education to be expressly designated as one of the following based on biological sex: (i) males, men, or boys; (ii) females, women, or girls; or (iii) coed or mixed if participation on such team or sport is open to both (a) males, men, or boys and (b) females, women, or girls. The bill requires identification of the student's biological sex on an athletics eligibility form signed by a licensed physician, nurse practitioner, or physician assistant to be submitted by any such student who desires to try out for or participate in an interscholastic, intercollegiate, intramural, or club athletic team or sport. The bill prohibits any such team or sport that is expressly designated for females, women, or girls from being open to students whose biological sex is male. The bill further prohibits any interscholastic, intercollegiate, intramural, or club athletic team or sport sponsored by a public elementary or secondary school or a public institution of higher education from competing against any interscholastic, intercollegiate, intramural, or club athletic team or sport sponsored by a private school or private institution of higher education in the Commonwealth unless such private school or institution complies with the applicable provisions of the bill. The bill prohibits any government entity, licensing or accrediting organization, or athletic association or organization from entertaining a complaint, opening an investigation, or taking any other adverse action against public school or institution of higher education based on a violation of the provisions of the bill and creates a cause of action for any school or institution of higher education that suffers harm as a result of a violation of the bill. Finally, the bill creates a civil cause of action for any student that suffers harm as a result of a knowing violation of a provision of the bill by a school or institution or as a result of the student's reporting a violation of a provision of the bill by a school, institution, athletic association, or organization.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary, see Item 8.

- 8. Fiscal Implications:** There is no anticipated state fiscal impact to Direct Aid to Public Education as a result of the provisions of this bill. Any impact to local school divisions is indeterminate.

Institutions of higher education may experience costs to comply with the provisions of this bill related to breaking existing contracts or forgone athletic revenue. Any actual fiscal impact is indeterminate.

- 9. Specific Agency or Political Subdivisions Affected:** Local school divisions, public institutions of higher education

- 10. Technical Amendment Necessary:** No

- 11. Other Comments:** None.