

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: HB1399

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: March

3. Committee: Education

4. Title: Elementary schools, etc.; designation of interscholastic, etc., sports, student participation.

5. Summary: Requires each interscholastic, intercollegiate, intramural, or club athletic team or sport that is sponsored by a public elementary or secondary school or a public institution of higher education to be expressly designated as one of the following based on each team member's biological sex at birth: (i) for "males," "men," or "boys"; (ii) for "females," "women," or "girls"; or (iii) as "coed" or "mixed," including both (a) males, men, or boys and (b) females, women, or girls. The bill prohibits any interscholastic, intercollegiate, intramural, or club athletic team or sport that is sponsored by a public elementary or secondary school or a public institution of higher education and that is expressly designated for "males," "men," or "boys" from being open to any student whose biological sex at birth is female unless such school or institution does not sponsor such a team or sport that is expressly designated for "females," "women," or "girls" or as "coed" or "mixed." The bill prohibits any interscholastic, intercollegiate, intramural, or club athletic team or sport that is sponsored by a public elementary or secondary school or a public institution of higher education and that is expressly designated for "females," "women," or "girls" from being open to any student whose biological sex at birth is male. The bill prohibits any interscholastic, intercollegiate, or club athletic team or sport that is sponsored by a public elementary or secondary school or a public institution of higher education from competing against any interscholastic, intercollegiate, or club athletic team or sport that is sponsored by a private elementary or secondary school or a private institution of higher education unless such private school or institution complies with the applicable provisions of the bill for the team or sport that it sponsors. The bill also establishes a cause of action for students, schools, and institutions that suffer harm as a result of a violation of certain provisions of the bill. The bill finally prohibits any school board from using any funds or permitting any school within the local school division to use any funds to join, affiliate with, pay dues or fees to, or in any way financially support any interscholastic athletic association, body, or entity unless the constitution, rules, or policies of such association, body, or entity recognizes, sanctions, and regulates interscholastic competition between wrestling teams exclusively comprised of students whose biological sex at birth is female.

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 resulting from 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:** This bill is similar to HB 1387.