

## Department of Planning and Budget 2023 Fiscal Impact Statement

**1. Bill Number:** SB911

**House of Origin**    ☒ Introduced    ☐ Substitute    ☐ Engrossed

**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron:** Cosgrove

**3. Committee:** Education and Health

**4. Title:** K-12 schools and institutions of higher education; interscholastic, intercollegiate, intramural.

**5. Summary:** Requires each public elementary or secondary school and each public institution of higher education to expressly designate all interscholastic, intercollegiate, intramural, or club athletic teams and sports sponsored by such school based on biological sex as follows: (i) for "males," "men," or "boys"; (ii) for "females," "women," or "girls"; or (iii) as "coed" or "mixed" if such team or sport is open to participation by both (a) males, men, or boys and (b) females, women, or girls. The bill provides that a student's "biological sex" is the statement of such student's biological sex on such student's official birth certificate if the statement was filed at or near the time of the student's birth. The bill prohibits any student whose biological sex is female from participating on any interscholastic, intercollegiate, intramural, or club team or sport that is expressly designated for "males," "men," or "boys," unless such school or institution does not offer an equivalent team or sport that is expressly designated for "females," "women," or "girls," or as "coed" or "mixed." The bill also prohibits any student whose biological sex is male from participation on any interscholastic, intercollegiate, intramural, or club team or sport that is expressly designated for "females," "women," or "girls." Furthermore, the bill prohibits any interscholastic, intercollegiate, intramural, or club athletic team or sport that is sponsored by a public elementary or secondary school or sponsored by a public institution of higher education from competing against any interscholastic, intercollegiate, intramural, 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 also complies with the provisions of the bill. Finally, the bill creates a civil cause of action for students that suffer any deprivation, harm, retaliation, or adverse action or for schools that suffer any harm as a result of a violation of the provisions of the bill, provided that such action is initiated within two years of such deprivation, harm, retaliation, or adverse action.

**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:** This bill is similar to HB1387 and HB1399.