

S.B. 15 FACT SHEET

COLLEGE TRANS SPORTS BAN



Current Status: In effect

The U.S. Supreme Court recently upheld laws in West Virginia and Idaho that bar transgender women and girls from competing on athletic teams for women and girls. The Court ruled that state laws banning transgender women and girls from athletic teams do not violate either Title IX or the Equal Protection Clause. [Read more about that decision and its impact.](#)

WHAT IS S.B. 15?

- S.B. 15 was passed during the 2023 legislative session.
- The bill is yet another cruel and wasteful attempt to ban transgender students from playing sports as their true and authentic selves, this time at the public college and university level.
- It's a trans sports ban 2.0 after the Texas Legislature spent three special sessions — and one regular session — in 2021 to address a non-existent, unscientific, and speculative “problem” of transgender student athletes “dominating” K-12 sports.
- It's a bureaucratic nightmare for Texas public colleges and universities and could lead to egregious invasions of privacy and targeting of all women athletes, especially Black women.

WHAT ARE OUR CONCERNS ABOUT THE BILL?

- This bill would go much further than the NCAA's already restrictive rules because it seeks to ban trans students from ever participating in sports as their true and authentic selves.
- S.B. 15 states that an intercollegiate athletics team may not “allow a student to compete on the team in an intercollegiate athletic competition sponsored or authorized by the institution that is designated for the biological sex opposite to the student's biological sex as correctly stated on: (1) the student's official birth certificate.”
- For purposes of this section, “a statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex only if the statement was: (1) entered at or near the time of the student's birth; or (2) modified to correct a scrivener or clerical error in the student's biological sex.”
- This bill does not define “biological sex” or explain how any college or university can determine if a student's sex on their birth certificate is “correctly stated . . . at or near the time of birth.”

- By not defining “biological sex” or creating a specific enforcement mechanism, S.B. 15 will leave it up to Texas universities to figure out how to comply with the bill. This bill also requires the Texas Higher Education Coordinating Board (THECB) to issue rules that implement this law and dictate how to determine someone’s “biological sex” for purposes of playing college sports.
- S.B. 15 also creates a private right of action that would allow any person — seemingly with no limitation — to sue Texas’s public colleges and universities.
- If a sports competitor seems too fast, too strong, or too tall, someone could file suit and challenge that person’s gender.
- This will likely have a disproportionate effect on Black women athletes, who already frequently have their gender policed in sports.
- S.B. 15 also completely ignores the existence of intersex Texans and could result in some intersex students being barred completely from sports.

IF YOU OR SOMEONE YOU KNOW IS IMPACTED BY S.B. 15:

- It is important to remember that you have rights. Under federal and state privacy laws, you do not have to disclose whether you or someone else is transgender. This is considered private information that you do not have to share with any public university or sports team.
- If you or someone you know is impacted by S.B. 15, or you become aware of a public university or person who is actively enforcing it, please reach out to us as soon as possible. We are here to support you and keep fighting for equality and dignity for every person here in Texas.

CONTACT US:

- ACLU of Texas - intake.aclutx.org.

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