

# FACT SHEET: SB 15 (COLLEGE TRANS SPORTS BAN)



**Current Status:** In effect

## What is Senate Bill 15?

- SB 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.
- 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.
- SB 15 is likely unconstitutional, unenforceable, and directly conflicts with NCAA rules and Title IX regulations. It's also 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.
  - SB 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, SB 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.
  - We don't yet know what these rules will say or how public universities in Texas will implement this law, but they could do so in a way that is highly invasive of students' privacy and clearly unconstitutional.
- SB 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.

- SB 15 cannot be reconciled with NCAA rules and puts Texas public universities at a unique disadvantage.
  - Because this law only applies to Texas public universities, we don't yet know how the NCAA will manage tournaments that involve transgender student athletes at private universities or from other states.
- Laws like SB 15 have already been declared unconstitutional and in violation of Title IX in other states.
  - The U.S. Supreme Court recently upheld a decision from the U.S. Court of Appeals for the Fourth Circuit, allowing a transgender student to keep playing on the cross country and track teams that align with her gender identity in *BPJ v. West Virginia*.
  - While this case continues in the Fourth Circuit, other federal courts have also blocked categorical bans on transgender student athletes playing sports in accordance with their gender identity under the Equal Protection Clause and Title IX, including in Indiana and Idaho.
  - SB 15 also conflicts with proposed rules from the U.S. Department of Education interpreting Title IX.
- SB 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 SB 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.
- Here in Texas, you have a right to legally update your gender marker and amend your birth certificate if you want these documents to reflect your gender identity.
- If you or someone you know is impacted by SB 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](https://intake.aclutx.org)

Equality Texas - [info@EqualityTexas.org](mailto:info@EqualityTexas.org)

Human Rights Campaign - [feedback@hrc.org](mailto:feedback@hrc.org)

Lambda Legal - [lambdalegal.org/helpdesk](https://lambdalegal.org/helpdesk)

Texas Freedom Network - [tfn@tfn.org](mailto:tfn@tfn.org)

Transgender Education Network of Texas - [info@transtexas.org](mailto:info@transtexas.org)

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