

AMENDMENTS TO LB575

Introduced by Education.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Sections 1 to 7 of this act shall be known and may be  
4 cited as the Sports and Spaces Act.

5           Sec. 2. The Legislature finds and declares that:

6           (1) Physical differences between biological males and biological  
7 females have long made separate and sex-specific sports teams important  
8 so that biological female athletes can have equal opportunities to  
9 compete in sports;

10          (2) Physical advantages for biological males relevant to sports  
11 include, on average, a larger body size with more skeletal muscle mass, a  
12 lower percentage of body fat, and greater maximal delivery of anaerobic  
13 and aerobic energy than biological females;

14          (3) Even at young ages, biological males typically score higher than  
15 biological females on cardiovascular endurance, muscular strength,  
16 muscular endurance, and speed and agility. These differences become more  
17 pronounced during and after puberty as biological males produce higher  
18 levels of testosterone. On average, biological male athletes are bigger,  
19 faster, stronger, and more physically powerful than their biological  
20 female counterparts. This results in a significant sports performance gap  
21 between the sexes;

22          (4) Studies have shown that the benefits that natural testosterone  
23 provides to biological male athletes is not significantly diminished  
24 through the use of testosterone suppression. Testosterone suppression in  
25 biological males does not result in a level playing field between  
26 biological male and biological female athletes;

27          (5) Because of the physical differences between biological males and

1 biological females, having separate athletic teams based on the  
2 biological sex of the athlete reduces the chance of injury to biological  
3 female athletes and promotes sex equality. It provides opportunities for  
4 biological female athletes to compete against their peers rather than  
5 against biological male athletes, and allows biological female athletes  
6 to compete on a fair playing field for scholarships and other athletic  
7 accomplishments; and

8 (6) Providing for separate restrooms and locker rooms for biological  
9 females and biological males advances the important governmental  
10 objective of protecting students' privacy and shielding their bodies from  
11 the opposite sex.

12 Sec. 3. (1) For purposes of the Sports and Spaces Act:

13 (a) Biological female means a person who was born with female  
14 anatomy with two X chromosomes in her cells;

15 (b) Biological male means a person who was born with male anatomy  
16 with X and Y chromosomes in his cells;

17 (c) Cross-sex hormones means testosterone or other androgens given  
18 to biological females in amounts that are larger or more potent than  
19 would normally occur naturally in healthy biological females and estrogen  
20 given to biological males in amounts that are larger or more potent than  
21 would normally occur naturally in healthy biological males; and

22 (d) School means any public, private, denominational, or parochial  
23 school offering instruction in elementary or high school grades.

24 Sec. 4. (1) A school shall designate each group bathroom and locker  
25 room within such school building as either for use by biological females  
26 or for use by biological males.

27 (2) Except as provided in subsections (3) and (4) of this section,  
28 no school shall:

29 (a) Allow a biological male to use a restroom facility designated  
30 for use by biological females;

31 (b) Allow a biological female to use a restroom facility designated

1 for use by biological males;

2 (c) Allow a biological male to enter or use a locker room designated  
3 for or being used at such time by one or more biological females; or

4 (d) Allow a biological female to enter or use a locker room  
5 designated for or being used at such time by one or more biological  
6 males.

7 (3) This section shall not apply to an individual entering a  
8 restroom designated for use by individuals of the opposite sex of such  
9 individual under the following circumstances:

10 (a) Entrance for custodial, maintenance, or inspection purposes; or

11 (b) Entrance to render emergency medical assistance.

12 (4) This section shall not apply to an individual entering a locker  
13 room designated for or being used at such time by individuals of the  
14 opposite sex of such individual under the following circumstances:

15 (a) Entrance for custodial, maintenance, or inspection purposes;

16 (b) Entrance to render emergency medical assistance; or

17 (c) Entrance by a coach, athletic trainer, or other authorized  
18 individual or school employee.

19 (5) A school or any official of a school shall not retaliate against  
20 any person for reporting a violation of this section or related rules,  
21 regulations, or policies.

22 Sec. 5. (1) An interscholastic or intramural athletic team or sport  
23 that is sponsored by a school shall be expressly designated as one of the  
24 following based on biological sex:

25 (a) Males, men, or boys;

26 (b) Females, women, or girls; or

27 (c) Coed or mixed.

28 (2)(a) An interscholastic or intramural athletic team or sport  
29 sponsored by a school and designated for females, women, or girls shall  
30 not be open to (i) a biological male student or (ii) a biological female  
31 student who is taking cross-sex hormones and competing as a transgender

1 male.

2 (b) An interscholastic or intramural athletic team or sport  
3 sponsored by a school and designated for males, men, or boys shall not be  
4 open to a biological female student unless there is no female team  
5 available for such sport for such biological female student.

6 (3) Nothing in this section shall be construed to restrict the  
7 eligibility of any student to participate in any interscholastic or  
8 intramural athletic teams or sports designated as coed or mixed.

9 Sec. 6. No government entity, any licensing or accrediting  
10 organization, or any athletic association or organization shall entertain  
11 a complaint, open an investigation, or take any other adverse action  
12 against a school for maintaining separate interscholastic or intramural  
13 athletic teams or sports for biological female students.

14 Sec. 7. Each school shall adopt a policy implementing the Sports  
15 and Spaces Act.

16 Sec. 8. This act becomes operative on August 1, 2024.

17 Sec. 9. If any section in this act or any part of any section is  
18 declared invalid or unconstitutional, the declaration shall not affect  
19 the validity or constitutionality of the remaining portions.