

HOUSE BILL 185

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

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and Cathrynn N. Brown

AN ACT

RELATING TO HUMAN RIGHTS; ENACTING THE PROTECTION OF WOMEN'S
SPORTS ACT; PROVIDING DEFINITIONS; REQUIRING EQUAL ATHLETIC
OPPORTUNITIES FOR MALES AND FEMALES; REQUIRING SEPARATE
ATHLETIC OPPORTUNITIES IN CERTAIN CIRCUMSTANCES; REQUIRING
DESIGNATION OF ATHLETIC TEAMS, SPORTS, ATHLETIC COMPETITIONS
AND ATHLETIC EVENTS AS FOR EITHER SEX SEPARATELY OR AS
COEDUCATIONAL; PROHIBITING MALE PARTICIPATION FOR, AGAINST OR
WITH ATHLETIC TEAMS DESIGNATED FOR FEMALES; ALLOWING MALE
ATHLETES TO PARTICIPATE AS PRACTICE PLAYERS ON TEAMS DESIGNATED
FOR FEMALES IN CERTAIN CIRCUMSTANCES; PROVIDING PRIVATE CAUSES
OF ACTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "Protection of Women's Sports Act".

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1 SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
2 Protection of Women's Sports Act:

3 A. "athletic association" means a governing body
4 for athletic competition or sport or an organization of
5 athletic conferences;

6 B. "athletic club" means a privately or publicly
7 operated organization that operates sports teams, trains
8 athletes for competition or allows athletes or athletic teams
9 to use its facilities on a regular basis;

10 C. "athletic event" means a competition, contest,
11 game, jamboree, scrimmage, tournament, showcase, combine or
12 tryout related to a sport or physical activity;

13 D. "compete" means to participate in an athletic
14 event or other event after which teams or participants are
15 designated as winners, roster spots are determined or prizes
16 awarded;

17 E. "public educational institution" means a public
18 school, school district or public post-secondary educational
19 institution;

20 F. "sex" means a person's biological sex of either
21 male or female as designated at birth; and

22 G. "team" means a group of people that participate
23 in athletic or physical competitions for the same organization,
24 school, club, college, university or cause.

25 SECTION 3. [NEW MATERIAL] ATHLETIC OPPORTUNITIES--

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1 SEPARATE ATHLETIC TEAMS.--

2 A. A public educational institution that offers,
3 operates or sponsors interscholastic or intercollegiate
4 athletics shall provide equal athletic opportunities for both
5 sexes.

6 B. Notwithstanding the requirements of Subsection A
7 of this section, a public educational institution or private
8 athletic club located within this state may operate or sponsor
9 single-sex teams and provide that selection for such teams is
10 based upon competitive skill or that the activity involved is a
11 contact sport.

12 SECTION 4. [NEW MATERIAL] DESIGNATION OF ATHLETIC
13 OPPORTUNITIES.--

14 A. All public educational institutions and athletic
15 clubs that participate in athletic competitions or events with
16 or against other institutions or clubs must designate each
17 athletic team, sport, athletic competition or athletic event as
18 a:

19 (1) team, sport, competition or event for
20 males, men or boys;

21 (2) team, sport, competition or event for
22 females, women or girls; or

23 (3) a coeducational or mixed team, sport,
24 competition or event.

25 B. An individual who competes in any sport,

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1 athletic competition or athletic event designated for females,
2 women or girls must be biologically female. The sex listed on
3 a participant's birth certificate may be relied on to establish
4 the participant's eligibility pursuant to this section if the
5 sex designated on the birth certificate was designated at or
6 near the time of the participant's birth.

7 SECTION 5. [NEW MATERIAL] WOMEN'S ATHLETIC COMPETITION
8 PROTECTIONS.--A public educational institution, an athletic
9 club or an athletic association that operates, sponsors or
10 permits athletic competitions or events shall not allow a male
11 to compete for, against or with a team designated for females,
12 women or girls or to compete in an event designated for
13 females, women or girls.

14 SECTION 6. [NEW MATERIAL] MALE PRACTICE PLAYERS--
15 PERMITTED.--Nothing in the Protection of Women's Sports Act
16 shall prohibit a public educational institution, an athletic
17 club or an athletic association from allowing male athletes to
18 participate as practice players on teams designated for
19 females, women or girls; provided that no such player takes a
20 roster spot, opportunity to compete, scholarship or spot at the
21 school from a female.

22 SECTION 7. [NEW MATERIAL] COMPLIANCE.--A governmental
23 entity, a licensing or accrediting organization or an athletic
24 association shall not consider a complaint, open an
25 investigation or take adverse action against a public

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1 educational institution for complying with the Protection of
2 Women's Sports Act.

3 SECTION 8. [NEW MATERIAL] CAUSE OF ACTION--REMEDIES.--

4 A. An individual who is deprived of an athletic
5 opportunity or who suffers or who will suffer direct or
6 indirect harm resulting from a violation of the Protection of
7 Women's Sports Act may bring a private cause of action for
8 injunctive relief, compensatory damages and legal fees against
9 the violating entity.

10 B. A public educational institution, an athletic
11 association or an athletic club that suffers or will suffer
12 direct or indirect harm as a result of a violation of the
13 Protection of Women's Sports Act may bring a private cause of
14 action against the violating entity for injunctive relief and
15 compensatory damages.

16 C. An individual, a team or an athletic club
17 subjected to retaliation or other adverse action as a result of
18 reporting a violation of the Protection of Women's Sports Act
19 to an employee or representative of a public educational
20 institution, an athletic association or an athletic club or
21 subjected to retaliation or other adverse action as a result of
22 reporting a violation of that act to a state or federal
23 government entity with oversight authority may bring a private
24 cause of action against the retaliating entity for injunctive
25 relief, damages and any other relief available under law.

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D. An action brought pursuant to this section shall
be commenced within one year of the event giving rise to the
complaint.