

N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

House Bill 185 (HB185) Relating to Human Rights: Enacting the Protection of Women's Sports Act; providing definitions; requiring equal athletic opportunities for males and females. The bill requires separate athletic opportunities in certain circumstances. It requires the designation of athletics teams, sports, athletic competitions and athletic events as for either sex separately or as coeducational. HB185 prohibits male participation for, against or with athletic teams designated for females. It does allow male athletes to participate as practice players on teams for females in certain circumstances. HB185 provides private causes of action.

FISCAL IMPLICATIONS

HB185 does not provide an appropriation.

SIGNIFICANT ISSUES

HB185 creates the Protection of Women's Sport Act.

Applies to public education institutions, meaning a public school, school district or public postsecondary educational institutions.

A public educational institution shall provide equal athletic opportunities for both sexes. HB185 calls for equal access to athletic opportunities for males and females without an appropriation. This is an unfunded mandate that could impact HEIs from thousands to millions of dollars to create equal access.

Section 3. Separate Athletic Teams Section B does not read to coincide with Section A which refers to equal athletic opportunities for both sexes when it states on line 9 single-sex teams and provide that the selection for such teams is based on competitive skill or that the activity involved is a contact sport.

Specific designation of athletic opportunities is defined in Section 4.A 1-3.

An individual who competes in an athletic competition or athletic event designated for females, women, or girls must be biologically female. The sex listed on the participant's birth certificate may be relied on to establish the participant's eligibility.

A public educational institution shall not allow a male to compete for, against or with a team designated for females, women, or girls or to compete in an event designated for females, women, or girls.

This act shall not prohibit a public educational institution from allowing male athletes to participate as practice players on team designated for females, women, or girls. Such a player cannot take a roster spot, opportunity to compete, scholarship or spot at the school from a female.

Provides definitions for Cause of Action-Remedies in Section 8 A-C.

Identifies an action brought pursuant to the Cause of Action-Remedies shall be commenced within one year of the event, giving rise to the complaint.

PERFORMANCE IMPLICATIONS

HB185 does not specify specific performance measures.

ADMINISTRATIVE IMPLICATIONS

HB185 may require public educational institutions to add additional athletic opportunities to one or the other sex to provide equal athletic opportunities.

HB185 may require public educational institutions to be out of compliance with the Human Rights Act (28-1-1 through 15 NMSA 1978).

HB185 may violate equal protection as it requires females, women, or girls to prove that they are biologically female but it does not require males, men, or boys to prove that they are biologically male.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

Public schools, school districts, or public postsecondary education institutions may have to increase their athletic teams, athletic staff, and athletic facilities for either women or men to provide equal athletic opportunities which could affect their operating budget.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Equal opportunities may not exist for all sexes at a public educational institution.

If HB185 is not enacted, teams specifically designed for females, women, or girls may have male members on the athletic team eligible to participate in an athletic event.

AMENDMENTS

N/A