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SENATE BILL 459

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

INTRODUCED BY

Jay C. Block and Nicole Tobiassen

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. "boy" means a person who is a juvenile male;

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

18 F. "female" means the organism of the human species
19 that, from conception, is meant to produce the large
20 reproductive cell;

21 G. "gender identity" means a person's internal and
22 subjective sense of self that is disconnected from biological
23 reality and sex;

24 H. "girl" means a person who is a juvenile female;

25 I. "male" means the organism of the human species

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1 that, from conception, is meant to produce the small
2 reproductive cell;

3 J. "man" means a person who is an adult male;

4 K. "public educational institution" means a public
5 school, school district or public post-secondary educational
6 institution;

7 L. "sex" means a person's immutable biological
8 classification as male or female and is not a synonym of or
9 does not include the concept of gender identity;

10 M. "team" means a group of people that participate
11 in athletic or physical competitions for the same organization,
12 school, club, college, university or cause; and

13 N. "woman" means a person who is an adult female.

14 SECTION 3. [NEW MATERIAL] ATHLETIC OPPORTUNITIES--
15 SEPARATE ATHLETIC TEAMS.--

16 A. A public educational institution that offers,
17 operates or sponsors interscholastic or intercollegiate
18 athletics shall provide equal athletic opportunities for both
19 sexes.

20 B. Notwithstanding the requirements of Subsection A
21 of this section, a public educational institution or private
22 athletic club located within this state may operate or sponsor
23 single-sex teams and provide that selection for such teams is
24 based upon competitive skill or that the activity involved is a
25 contact sport.

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1 SECTION 4. [NEW MATERIAL] DESIGNATION OF ATHLETIC
2 OPPORTUNITIES.--

3 A. All public educational institutions and athletic
4 clubs that participate in athletic competitions or events with
5 or against other institutions or clubs must designate each
6 athletic team, sport, athletic competition or athletic event as
7 a:

8 (1) team, sport, competition or event for
9 males, men or boys;

10 (2) team, sport, competition or event for
11 females, women or girls; or

12 (3) a coeducational or mixed team, sport,
13 competition or event.

14 B. An individual who competes in any sport,
15 athletic competition or athletic event designated for females,
16 women or girls must be biologically female. The sex listed on
17 a participant's birth certificate may be relied on to establish
18 the participant's eligibility pursuant to this section if the
19 sex designated on the birth certificate was designated at or
20 near the time of the participant's birth.

21 SECTION 5. [NEW MATERIAL] WOMEN'S ATHLETIC COMPETITION
22 PROTECTIONS.--A public educational institution, an athletic
23 club or an athletic association that operates, sponsors or
24 permits athletic competitions or events shall not allow a male
25 to compete for, against or with a team designated for females,

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1 women or girls or to compete in an event designated for
2 females, women or girls.

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

11 SECTION 7. [NEW MATERIAL] COMPLIANCE.--

12 A. A governmental entity, a licensing or
13 accrediting organization or an athletic association shall not
14 consider a complaint, open an investigation or take adverse
15 action against a public educational institution for complying
16 with the Protection of Women's Sports Act.

17 B. A licensing or accrediting organization or an
18 athletic association that receives public money or is otherwise
19 in contract with the state or a political subdivision of the
20 state that does not comply with the Protection of Women's
21 Sports Act shall be subject to revocation of public money,
22 disqualification from receiving public money in the future or
23 contract termination.

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

25 A. An individual who is deprived of an athletic

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1 opportunity or who suffers or who will suffer direct or
2 indirect harm resulting from a violation of the Protection of
3 Women's Sports Act may bring a private cause of action for
4 injunctive relief, compensatory damages and legal fees against
5 the violating entity.

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

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

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