

School Activity Eligibility Commission Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Nelson T. Abbott

Senate Sponsor:

LONG TITLE**General Description:**

This bill amends provisions regarding the School Activity Eligibility Commission (commission).

Highlighted Provisions:

This bill:

- ▶ broadens the scope of available appointees to the commission;
- ▶ modifies quorum requirements for the commission;
- ▶ modifies a requirement to establish certain baseline ranges;
- ▶ provides that an eligibility determination of the commission is for a given school year;
- ▶ provides a standard of proof for eligibility determinations of the commission;
- ▶ prohibits public schools from participating with an athletic association that does not provide administrative staff support to the commission;
- ▶ provides for the scheduling of commission meetings throughout the school year with certain submission deadlines and ad-hoc meetings for students who do not meet certain deadlines; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-6-1001, as last amended by Laws of Utah 2023, Chapter 340

53G-6-1003, as last amended by Laws of Utah 2024, Chapter 524

53G-6-1004, as last amended by Laws of Utah 2024, Chapter 524

53G-7-1102, as last amended by Laws of Utah 2024, Chapter 46

31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **53G-6-1001** is amended to read:

33 **53G-6-1001 . Definitions.**

34 As used in this part:

- 35 (1) "Athletic association" means an association, as that term is defined in Section
36 53G-7-1101.
- 37 (2) "Birth certificate" means an official record of an individual's date of birth, place of birth,
38 sex, and parentage, including a supplementary certificate of birth or birth certificate
39 amendment and amendment history as provided in Sections 26B-8-110 and 26B-8-111.
- 40 (3) "Commission" means the School Activity Eligibility Commission created in Section
41 53G-6-1003.
- 42 (4) "Does not correspond with the sex designation" means that a student's sex designation
43 for an interscholastic activity in which a student seeks participation does not correspond
44 with the sex designation on the student's birth certificate or an amendment, including the
45 amendment history, to the student's birth certificate that the Division of Vital Records
46 and Statistics provides.
- 47 (5) "Female-designated" means that an interscholastic activity is designated specifically for
48 female students.
- 49 (6) "Gender-designated" means that an interscholastic activity or facility is designated
50 specifically for female or male students.
- 51 (7) "Gender identity" means the same as that term is defined in Section 34A-5-102.
- 52 (8) "Interscholastic activity" means an activity in which a student represents the student's
53 school in the activity in competition against another school.
- 54 (9) "Male-designated" means that an interscholastic activity is designated specifically for
55 male students.
- 56 (10) "Student" means a student who is enrolled in a public school that participates in
57 interscholastic activities.
- 58 (11) "Unamended birth certificate" means a birth certificate:
- 59 (a) with no amendment history; or
- 60 (b) with an amendment history that:
- 61 (i) does not include gender-related amendments; or
- 62 (ii) includes gender-related amendments that only:
- 63 (A) correct an error or omission resulting from a scrivener's error under
64 Subsection 26B-8-107(2); or

65 (B) correct a misidentification of birth sex for an intersex individual under
66 Subsection s6B-8-107(2).

67 Section 2. Section **53G-6-1003** is amended to read:

68 **53G-6-1003 . School Activity Eligibility Commission -- Baseline range.**

69 (1) There is created the School Activity Eligibility Commission.

70 (2)(a) The commission shall consist of the following members:

71 (i) the following two members whom the president of the Senate appoints:

72 (A) a mental health professional; and

73 (B) a statistician with expertise in the analysis of medical data;

74 (ii) the following two members whom the speaker of the House of Representatives
75 appoints:

76 (A) a [~~board-certified~~]physician with expertise in gender identity healthcare,
77 including an endocrinologist, a family medicine physician, or a pediatrician;
78 and

79 (B) a sports physiologist, an exercise physiologist, a sports medicine physician, a
80 pediatrician with experience in youth sports, or an orthopedist or orthopedic
81 surgeon;

82 (iii) the following two members whom the governor appoints:

83 (A) a representative of an athletic association; and

84 (B) an athletic trainer who serves student athletes on the collegiate level; and

85 (iv) one ad hoc member, serving on a case-by-case basis, who is:

86 (A) appointed by the athletic association in which the relevant student's school
87 competes; and

88 (B) a certified high school coach or official who coaches or officiates in a separate
89 region or classification from the relevant student's school and in the sport in
90 which the relevant student seeks eligibility.

91 (b) An athletic association may prepare and communicate the association's sport-specific
92 appointments described in Subsection (2)(a)(iv) in preparation for student requests in
93 a given sport.

94 (3)(a) A member of the commission described in Subsections (2)(a)(i) through (iii) shall
95 serve an initial term of one year, subject to reappointment for subsequent terms of
96 two years.

97 (b) If a vacancy occurs in the membership of the commission, the individual responsible
98 for the appointment of the vacant seat as described in Subsection (2) shall fill the

99 vacancy in the same manner as the original appointment.

100 (4)(a)(i) Except as provided in Subsection (4)(a)(ii)[,-] :

101 (A) all members of the commission constitute a quorum of the commission for a
102 meeting to determine the eligibility of a student[-] ; and

103 [(ii)] (B) [AH] all members of the commission described in Subsections (2)(a)(i)
104 through (iii) constitute a quorum for any meeting other than the meeting
105 described in Subsection (4)(a)(i).

106 (ii) The commission satisfies the quorum requirements described in Subsection
107 (4)(a)(i) if no more than one of the commission positions described in Subsections
108 (2)(a)(i) through (iii) is vacant.

109 (b) An action of a majority of a quorum constitutes an action of the commission.

110 (5) A majority of the commission members described in Subsections (2)(a)(i) through (iii)
111 shall elect a chair from among the members described in Subsections (2)(a)(i) through
112 (iii) to:

113 (a) schedule meetings of the commission;

114 (b) set the agenda of commission meetings; and

115 (c) facilitate discussion among the commission's members.

116 (6) A commission member:

117 (a) may not receive compensation or benefits for the member's service on the
118 commission; and

119 (b) may receive per diem and reimbursement for travel expenses that the commission
120 member incurs as a commission member at the rates that the Division of Finance
121 establishes under:

122 (i) Sections 63A-3-106 and 63A-3-107; and

123 (ii) rules that the Division of Finance makes under Sections 63A-3-106 and
124 63A-3-107.

125 (7) The commission may enter into an agreement with an athletic association to provide
126 administrative staff support to the commission.

127 (8)(a) The commission shall, to the extent possible based on the available evidence,
128 establish a baseline range of physical characteristics for students participating in a
129 specific gender-designated activity at a specific age to provide the context for the
130 evaluation of an individual student's eligibility for a given gender-designated
131 interscholastic activity under Section 53G-6-1004.

132 (b) In creating the baseline ranges described in Subsection (8)(a), the commission shall

- 133 include the physical characteristics for the age and gender group in a given
 134 gender-designated interscholastic activity that are relevant to the specific
 135 interscholastic activity.
- 136 (c) The physical characteristics described in Subsection (8)(b) may include height,
 137 weight, physical characteristics relevant to the application of the standard described
 138 in Subsection 53G-6-1004(3), or the extent of physical characteristics affected by
 139 puberty, giving consideration to the practicability of considering the physical
 140 characteristic when making an assessment of an individual student's eligibility under
 141 Section 53G-6-1004.
- 142 (9) The following records that relate to the application or analysis of or determination under
 143 this part regarding the eligibility of a specific student shall be classified as a protected
 144 record under Title 63G, Chapter 2, Government Records Access and Management Act:
- 145 (a) any record of the commission, including any communication between an athletic
 146 association and the commission; and
- 147 (b) any record that a school or LEA possesses.
- 148 (10) Members of the commission are immune from suit with respect to all acts done and
 149 actions taken in good faith in carrying out the purposes of this part.
- 150 (11) The commission has no authority in relation to eligibility questions other than
 151 participation in a gender-designated interscholastic activity under this part.
- 152 Section 3. Section **53G-6-1004** is amended to read:
- 153 **53G-6-1004 . Eligibility for interscholastic activities.**
- 154 (1)(a) Notwithstanding any state board rule or policy of an athletic association, and
 155 except as provided in Subsections (1)(b) and (c):
- 156 (i) once a student has obtained the eligibility approval of the commission under
 157 Subsection (2), the student may participate in a gender-designated interscholastic
 158 activity that does not correspond with the sex designation on the student's
 159 unamended birth certificate for the given school year; and
- 160 (ii) if a student does not obtain the eligibility approval of the commission under
 161 Subsection (2), the student may not participate in a gender-designated
 162 interscholastic activity that does not correspond with the sex designation on the
 163 student's unamended birth certificate.
- 164 (b) A student [~~who has undergone or is undergoing a gender transition shall obtain the~~
 165 ~~eligibility approval of the commission under Subsection (2) to~~] may only participate
 166 in a gender-designated interscholastic activity that [~~corresponds with the student's~~

167 gender identity] does not correspond with the student's sex, as defined in Section
 168 68-3-12.5, if the student obtains the eligibility approval of the commission under
 169 Subsection (2).

170 (c) Nothing in this ~~[subsection]~~ section prohibits a student from participating in a
 171 gender-designated interscholastic activity in accordance with 34 C.F.R. Sec.
 172 106.41(b).

173 (2)(a) When a student registers with an athletic association to participate in a
 174 gender-designated interscholastic activity:

175 (i) a student who has undergone or is undergoing a gender transition shall notify the
 176 athletic association of the student's transition and the need for the commission's
 177 eligibility approval as described in Subsection (1)(b);

178 (ii) the athletic association shall notify the commission of:

179 (A) a student for whom an eligibility determination of the commission is required
 180 due to the sex designation on the student's unamended birth certificate not
 181 corresponding with the gender designation of the gender-designated
 182 interscholastic activity in which the student seeks to participate or the student's
 183 notice of a gender transition under Subsection (1)(a)(ii); and

184 (B) the association's ad hoc appointment to the commission described in
 185 Subsection 53G-6-1003(2)(a)(iv); and

186 (iii) the athletic association shall notify the student described in this Subsection (2)(a)
 187 regarding the process for determining the student's eligibility for the activity under
 188 this section.

189 (b) The commission shall:

190 (i)(A) schedule at least three non-public meetings throughout the school year to
 191 consider any student eligibility notifications described in Subsection (2)(a) the
 192 commission has received at least 14 days before the date of each meeting; and

193 (B) give notice of each scheduled meeting and the associated 14-day deadline to
 194 the relevant athletic association; and

195 [+] (ii)(A) if the commission receives a notification described in Subsection (2)(a)
 196 after the 14-day deadline described in Subsection (2)(b)(i), schedule [a] an
 197 ad-hoc non-public meeting to consider [a] the given student's eligibility[~~to be~~
 198 held within 30 days after the day on which the commission receives the
 199 notification described in Subsection (2)(a) , occurring within 60 days after the
 200 day on which the commission receives the notification; and

- 201 [(ii)] (B) [~~notify~~] give notice of the ad-hoc meeting to the relevant athletic
202 association and the [student's parents or legal guardians of the scheduled
203 meeting] parents of each student seeking an eligibility determination.
- 204 (c) Before the meeting described in Subsection (2)(b):
- 205 (i) the student for whom the commission has scheduled the meeting or the student's
206 parent or guardian is not required but may submit to the commission any
207 information the student wishes to disclose to the commission that may be relevant
208 to the commission's eligibility determination, including information regarding:
- 209 (A) the gender-designated interscholastic activities for which the student seeks
210 eligibility;
- 211 (B) the gender-designated interscholastic activities in which the student has
212 previously participated; and
- 213 (C) the student's physical characteristics or medical treatments that support the
214 student's eligibility for the specific gender-designated interscholastic activity;
- 215 (ii) the commission may request additional evidence from the student that is:
- 216 (A) limited to the extent possible to protect the student's privacy; and
217 (B) only directly relevant to the commission's eligibility determination; and
- 218 (iii) the commission may offer the student a voucher to cover the cost of a diagnostic
219 assessment if the commission makes a request for medical information under
220 Subsection (2)(c)(ii) for which the student's insurance does not provide coverage
221 or reimbursement for the diagnostic that:
- 222 (A) would provide the requested information; and
223 (B) is not free or otherwise readily available to the student.
- 224 (d) During the meeting described in Subsection (2)(b):
- 225 (i) only the following individuals may be present or participate electronically:
- 226 (A) the student for whom the commission is meeting to make an eligibility
227 determination;
- 228 (B) the student's parents or guardians;
- 229 (C) the members and necessary staff of the commission; and
230 (D) any medical professionals or other witnesses the student chooses to include to
231 support the student's eligibility;
- 232 (ii) attendees may participate in person or electronically; and
233 (iii) the commission shall:
- 234 (A) hear the information that supports the student's eligibility;

- 235 (B) deliberate the facts relevant to the student's physical characteristics and
236 eligibility in camera or otherwise after temporarily excusing from the meeting
237 the student, the student's parents or legal guardians, and any medical
238 professionals or other witnesses whom the student includes; and
- 239 (C) render the commission's eligibility determination in accordance with
240 Subsection (3) or request additional information and schedule an additional
241 commission meeting to be held within 30 days of the meeting and in
242 accordance with this Subsection (2)(d) to discuss the additional information
243 and render the commission's eligibility determination.
- 244 (e) The commission may not address the commission's application or analysis of or
245 determination under this part regarding the eligibility of a specific student in a public
246 meeting or public communication.
- 247 (3)(a) In making an eligibility determination, the commission, after considering whether
248 the student's assertion of a gender identity is consistent with the statutory definition
249 of gender identity as that term is defined in Section 34A-5-102, including the
250 implications for the student's mental health of participating in the gender-designated
251 interscholastic activity, shall:
- 252 (i) make a determination based on a preponderance of the evidence regarding
253 whether, when measured against the relevant baseline range described in
254 Subsection 53G-6-1003(8), granting the student's eligibility would:
- 255 (A) present a substantial safety risk to the student or others that is significantly
256 greater than the inherent risks of the given activity; or
- 257 (B) likely give the student a material competitive advantage, as the commission
258 defines, when compared to students of the same age competing in the relevant
259 gender-designated activity, including consideration of the student's previous
260 history of participation in gender-designated interscholastic activities; and
- 261 (ii) record the commission's decision and rationale in writing and provide the written
262 decision to the athletic commission within 30 days after the day on which the
263 commission renders an eligibility decision under this Subsection (3)(a) in a
264 meeting described in Subsection (2)(b).
- 265 (b) Upon receipt of the commission's determination and rationale under Subsection
266 (3)(a), the athletic commission shall notify the student and the relevant school or
267 LEA of the commission's determination and rationale.
- 268 (c) A school or LEA shall comply with the commission's determination under this

- 269 Subsection (3).
- 270 (d) An eligibility determination of the commission only applies for the relevant school
 271 year.
- 272 (4)(a) Notwithstanding any other provision of law and except as provided in Subsections
 273 (3)(b) and (4)(b), the commission may not disclose:
- 274 (i) the name of a student whose eligibility the commission will consider, is
 275 considering, or has considered; or
- 276 (ii) the commission's determination regarding a student's eligibility.
- 277 (b) The commission shall disclose the commission's determination of a student's
 278 eligibility for a given gender-designated interscholastic activity to the relevant
 279 athletic association, only for the purpose of confirming whether the student is eligible
 280 for the interscholastic activity.
- 281 (c)(i) Notwithstanding any other provision of law, an athletic association may not
 282 disclose the information described in Subsections (4)(a)(i) and (ii).
- 283 (ii) Nothing in this Subsection (4) prohibits an athletic association from affirming
 284 that a student is eligible if the eligibility of a student is questioned.
- 285 Section 4. Section **53G-7-1102** is amended to read:
- 286 **53G-7-1102 . Public schools prohibited from membership.**
- 287 (1) A public school may not be a member of or pay dues to an association that:
- 288 (a) is not in compliance with:
- 289 (i) this part;
- 290 (ii) Title 52, Chapter 4, Open and Public Meetings Act;
- 291 (iii) Title 63G, Chapter 2, Government Records Access and Management Act; and
- 292 (iv) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;
- 293 (b) does not collect each student's unamended birth certificate , as that term is defined in
 294 Section 53G-6-1001, or subject to Subsection (3), equivalent documentation, as
 295 described in Subsection (2)(a), to determine eligibility as a condition of the
 296 association's registration process for an athletic team, event, or category;[~~or~~]
- 297 (c) does not require a student to provide the student's date of birth and sex as a condition
 298 of the registration process for an athletic team, event, or category[~~;~~] or
- 299 (d) does not provide administrative staff support to the School Activity Eligibility
 300 Commission in accordance with Section 53G-6-1003.
- 301 (2)(a) For a student who is not a United States citizen and who is unable to provide [a] an
 302 unamended birth certificate, as that term is defined in Section 53G-6-1001, the

- 303 association may collect the student's:
- 304 (i) state-issued identification document, including a driver's license or passport; or
- 305 (ii) federally recognized identification document, including a document that the
- 306 Department of Homeland Security issues.
- 307 (b) If a student who is not a United States citizen is unable to provide a document under
- 308 Subsection (2)(a), the association may collect other reliable proof of a student's date
- 309 of birth and sex, including:
- 310 (i) an affidavit from the student's parent or legal guardian attesting:
- 311 (A) to the student's date of birth and sex; and
- 312 (B) that the parent or legal guardian is unable to obtain a document described in
- 313 Subsection (2)(a); and
- 314 (ii) one of the following:
- 315 (A) a religious, hospital, or physician certificate;
- 316 (B) verified school records;
- 317 (C) verified immunization records; or
- 318 (D) documentation from a social service provider.
- 319 (3)(a) Subsection (1)(b) does not apply to an association for a student who is a homeless
- 320 child or youth, as defined in the McKinney-Vento Homeless Assistance Act, 42
- 321 U.S.C. Sec. 11431 et seq.
- 322 (b) For a student who is a homeless child or youth, including an unaccompanied
- 323 homeless child or youth, an association may collect:
- 324 (i) an affidavit from the student's parent or guardian, or the student if the student is an
- 325 unaccompanied homeless child or youth, indicating that the student does not meet
- 326 the necessary requirements to obtain a document described in Subsection (2)(a);
- 327 and
- 328 (ii) a document described in Subsection (2)(b)(ii).
- 329 (4) Nothing in this section limits or impairs an LEA's requirement to verify a student's
- 330 initial review of eligibility to participate in an athletic team, event, or category under
- 331 applicable state or federal law or state board rule, including the student's:
- 332 (a) residency status;
- 333 (b) age;
- 334 (c) sex, verified by the student's unamended birth certificate, as that term is defined in
- 335 Section 53G-6-1001;
- 336 (d) academic requirements; or

- 337 (e) school enrollment capacity.
- 338 (5) Unless otherwise specified, an association's compliance with or an association employee
- 339 or officer's compliance with the provisions described in Subsection (1) does not alter:
- 340 (a) the association's public or private status; or
- 341 (b) the public or private employment status of the employee or officer.

342 **Section 5. Effective Date.**

343 This bill takes effect on May 7, 2025.