

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 26-0739.01 Shelby Ross x4510

HOUSE BILL 26-1083

HOUSE SPONSORSHIP

Bottoms,

SENATE SPONSORSHIP

(None),

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROTECTING FEMALE SPORTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires each interscholastic or intramural athletic team or sport that is sponsored by a school or athletic association (team or sport) to expressly designate the team's or sport's participants as either biological male, men, or boys; biological female, women, or girls; or coeducational or mixed.

The bill prohibits a team or sport that is designated for females, women, or girls from being open for participation by a male student or male participant. The bill prohibits a team or sport that is designated for

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

males, men, or boys from being open for participation by a female student or female participant unless there is no female team offered or available for the sport for female students or female participants.

The bill prohibits a state agency, entity, licensing or accrediting organization, or athletic association from entertaining a complaint, opening an investigation, or taking any other adverse action against a school for maintaining a separate team or sport for female students or female participants.

If the commissioner of education (commissioner) determines that a public school or institution of higher education has refused to comply with the provisions of the bill, the commissioner shall notify the public school or institution of the noncompliance and allow the public school or institution a reasonable amount of time to comply. If the public school or institution is still not in compliance and has not made a good-faith attempt to comply, the commissioner is permitted to take appropriate remedial action within the commissioner's authority.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Males and females possess unique and immutable biological
5 differences that manifest prior to birth and increase as they age and
6 experience puberty;

7 (b) Biological differences between the sexes are enduring and
8 may, in some circumstances, warrant the creation of separate social,
9 educational, athletic, or other arrangements in order to ensure safety and
10 allow members of each sex to succeed and thrive;

11 (c) Physical differences between males and females have long
12 made separate sex-specific sports teams important so that female athletes
13 have equal opportunities to compete in sports with reduced risk of
14 physical injury; and

15 (d) Due to the physical differences between males and females,
16 having separate athletic teams based on the biological sex of the athletes

1 reduces the risk of injury to female athletes, promotes equality between
2 the sexes, provides opportunities for female athletes to compete against
3 their female peers rather than against male athletes, and allows female
4 athletes to fairly compete for athletic accomplishments, including
5 educational scholarships.

6 **SECTION 2.** In Colorado Revised Statutes, **add** article 109 to
7 title 22 as follows:

8 **ARTICLE 109**

9 **Protect Women's and Girls' Sports Act**

10 **22-109-101. Short title.**

11 THE SHORT TITLE OF THIS ARTICLE 109 IS THE "PROTECT WOMEN'S
12 AND GIRLS' SPORTS ACT".

13 **22-109-102. Definitions.**

14 AS USED IN THIS ARTICLE 109, UNLESS THE CONTEXT OTHERWISE
15 REQUIRES:

16 (1) "ATHLETIC ASSOCIATION" MEANS A CORPORATION,
17 ASSOCIATION, OR ORGANIZATION WITH AT LEAST ONE PRIMARY PURPOSE
18 OF SPONSORING OR ADMINISTERING EXTRACURRICULAR INTERSCHOLASTIC
19 ATHLETIC CONTESTS OR COMPETITIONS.

20 (2) "BOY" MEANS AN ADOLESCENT HUMAN MALE.

21 (3) "FEMALE" MEANS AN INDIVIDUAL WHOSE BIOLOGICAL
22 REPRODUCTIVE SYSTEM IS ORGANIZED AROUND THE PRODUCTION OF OVA.
23 A FEMALE INCLUDES A WOMAN AND A GIRL.

24 (4) "GIRL" MEANS AN ADOLESCENT HUMAN FEMALE.

25 (5) "MALE" MEANS AN INDIVIDUAL WHOSE BIOLOGICAL
26 REPRODUCTIVE SYSTEM IS ORGANIZED AROUND THE PRODUCTION OF
27 SPERM. A MALE INCLUDES A MAN AND A BOY.

1 (6) "MAN" MEANS AN ADULT HUMAN MALE.

2 (7) "POSTSECONDARY EDUCATIONAL INSTITUTION" MEANS A
3 PUBLIC OR PRIVATE UNIVERSITY, COLLEGE, OR COMMUNITY COLLEGE
4 LOCATED IN COLORADO THAT IS A MEMBER INSTITUTION OF AN
5 ACCREDITING BODY RECOGNIZED BY THE FEDERAL DEPARTMENT OF
6 EDUCATION.

7 (8) "SCHOOL" MEANS A POSTSECONDARY EDUCATIONAL
8 INSTITUTION, OR A PUBLIC SCHOOL, CHARTER SCHOOL, PRIVATE SCHOOL,
9 OR DENOMINATIONAL SCHOOL THAT OFFERS INSTRUCTION IN ELEMENTARY
10 OR SECONDARY GRADES.

11 (9) "STATE AGENCY" MEANS ANY STATE BOARD, BUREAU,
12 COMMISSION, DEPARTMENT, INSTITUTION, DIVISION, SECTION, OR OFFICER
13 OF THE STATE, EXCEPT THOSE IN THE LEGISLATIVE OR JUDICIAL BRANCH.

14 (10) "WOMAN" MEANS AN ADULT HUMAN FEMALE.

15 **22-109-103. Male and female sports team designations.**

16 (1) AN INTERSCHOLASTIC OR INTRAMURAL ATHLETIC TEAM OR
17 SPORT THAT IS SPONSORED BY A SCHOOL OR ATHLETIC ASSOCIATION MUST
18 EXPRESSLY DESIGNATE THE TEAM OR SPORT AS ONE OF THE FOLLOWING
19 BASED ON THE ATHLETES' BIOLOGICAL SEX:

20 (a) MALE, MEN, OR BOYS;

21 (b) FEMALE, WOMEN, OR GIRLS; OR

22 (c) COEDUCATIONAL OR MIXED.

23 (2) (a) AN INTERSCHOLASTIC OR INTRAMURAL ATHLETIC TEAM OR
24 SPORT SPONSORED BY A SCHOOL OR ATHLETIC ASSOCIATION THAT IS
25 DESIGNATED FOR FEMALES, WOMEN, OR GIRLS MUST NOT BE OPEN FOR
26 PARTICIPATION BY A MALE STUDENT OR MALE PARTICIPANT.

27 (b) AN INTERSCHOLASTIC OR INTRAMURAL ATHLETIC TEAM OR

1 SPORT SPONSORED BY A SCHOOL OR ATHLETIC ASSOCIATION THAT IS
2 DESIGNATED FOR MALES, MEN, OR BOYS MUST NOT BE OPEN FOR
3 PARTICIPATION BY A FEMALE STUDENT OR FEMALE PARTICIPANT UNLESS
4 THERE IS NO FEMALE TEAM OFFERED OR AVAILABLE FOR THE SPORT FOR
5 FEMALE STUDENTS OR FEMALE PARTICIPANTS.

6 (c) THIS SUBSECTION (2) DOES NOT RESTRICT THE ELIGIBILITY OF
7 A STUDENT OR PARTICIPANT FROM PARTICIPATING IN AN INTERSCHOLASTIC
8 OR INTRAMURAL ATHLETIC TEAM OR SPORT THAT IS DESIGNATED FOR
9 COEDUCATIONAL OR MIXED PARTICIPANTS.

10 (3) A STATE AGENCY, ENTITY, LICENSING OR ACCREDITING
11 ORGANIZATION, OR ATHLETIC ASSOCIATION SHALL NOT ENTERTAIN A
12 COMPLAINT, OPEN AN INVESTIGATION, OR TAKE ANY OTHER ADVERSE
13 ACTION AGAINST A SCHOOL FOR MAINTAINING A SEPARATE
14 INTERSCHOLASTIC OR INTRAMURAL ATHLETIC TEAM OR SPORT FOR FEMALE
15 STUDENTS OR FEMALE PARTICIPANTS.

16 **22-109-104. Compliance and enforcement.**

17 IF THE COMMISSIONER OF EDUCATION DETERMINES THAT A PUBLIC
18 SCHOOL OR POSTSECONDARY EDUCATIONAL INSTITUTION HAS
19 INTENTIONALLY REFUSED TO COMPLY WITH THIS ARTICLE 109, THE
20 COMMISSIONER SHALL NOTIFY THE PUBLIC SCHOOL OR INSTITUTION OF THE
21 NONCOMPLIANCE AND ALLOW THE PUBLIC SCHOOL OR INSTITUTION A
22 REASONABLE AMOUNT OF TIME TO COMPLY. IF THE COMMISSIONER
23 DETERMINES, AFTER THE REASONABLE COMPLIANCE TIME HAS ELAPSED,
24 THAT THE PUBLIC SCHOOL OR INSTITUTION IS NOT IN COMPLIANCE AND HAS
25 NOT MADE A GOOD-FAITH ATTEMPT TO COMPLY, THE COMMISSIONER
26 SHALL TAKE APPROPRIATE REMEDIAL ACTION WITHIN THE COMMISSIONER'S
27 AUTHORITY.

1 **22-109-105. Federal protections for individual with disability**
2 **- recognized.**

3 NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE 109 TO
4 THE CONTRARY, AN INDIVIDUAL BORN WITH A DIAGNOSED DISORDER OF
5 SEX DEVELOPMENT SHALL RECEIVE ALL LEGAL PROTECTIONS AND
6 ACCOMMODATIONS AFFORDED UNDER THE FEDERAL "AMERICANS WITH
7 DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED.

8 **22-109-106. Severability.**

9 IF ANY PROVISION OF THIS ARTICLE 109 OR THE APPLICATION OF
10 THIS ARTICLE 109 TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID,
11 THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS
12 OF THIS ARTICLE 109 THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID
13 PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS
14 ARTICLE 109 ARE DECLARED TO BE SEVERABLE.

15 **SECTION 3. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part will not take effect
22 unless approved by the people at the general election to be held in
23 November 2026 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.