

HCS HJR 53 -- INTERSCHOLASTIC ATHLETIC CONTESTS

SPONSOR: Basye

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Emerging Issues by a vote of 8 to 6. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 7 to 5.

The following is a summary of the House Committee Substitute for HJR 53.

Upon voter approval, this proposed Constitutional amendment requires schools to designate athletic teams or sports based as "males," "men", or "boys"; "females", "women", or "girls"; or "coed or "mixed". Students of the male sex cannot participate in athletic teams or sports designated for females. Students who previously participated in female sports cannot participate in female sports if they have begun sex or gender transitioning. Female students can participate in male sports if there is not a comparable female sport. The General Assembly may enact laws to implement the amendment, including protection for schools and creating causes of action for violation.

This bill is similar to HJR 56 (2021) and HJR 82 (2020).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that the resolution is a matter of fairness, primarily to female athletes who lose opportunities. Supporters also say that this bill protects the privacy of young students. This bill prevents biological, physical differences between sexes from interfering in sports. Hormones and therapy do not fully address these differences that would lead to a disadvantage for women. Supporters believe this bill is constitutional and that most of the harm otherwise would fall to women.

Testifying for the bill were Representative Basye; Ray D. Hacke, Pacific Justice Institute Center for Public Policy; Ginger Yoak; Jennifer Gore; Joan Rawson; Lorna Ruth Piper; Mary Lopez; Marylou Cawood; Pam Anderson; Robert Schneider, D.O.; Ron Cawood; Susan Schneider; Susan Taylor; Tom Leuther; Vicki Ann Dunn; Vicki Leuther; William H. Pohlman; Gina Allen; Lisa Parker; Concerned Women For America; Becky L Bickhaus; Concerned Women for America of Missouri; Brent W Hoerr; Cecilia Santa Maria; Clif; Donald A Bickhaus II; Geraldine I. Graves; Glenda Gibson; Jennifer Gore;

Jordan Henry, Phyllis Schlafly Eagles; Nancy Delcour; Robert Little; Thomas Dunn; Gary S. Urich; Linda Yeager; Carolyn Lilley; Marsha Lilley; Carol Pitzer; Marjie Saiter; Gerald W Moss; Mary Yakel; Jenny Schulze; and Wayne T. Armbrust.

OPPONENTS: Those who oppose the bill say that there is already a rigorous policy in place, that has been in place for almost a decade, for transgender students to participate in sports and this bill stunts opportunities for those transgender students. There is a significant social, cultural, psychological, physical, and personal benefit to competing in sports that transgender students, who already struggle with a sense of belonging and mental health, will not be afforded. This has already happened with numerous students, while teammates of transgender students do not treat them any differently. Opponents are concerned with the mental health outcomes for transgender individuals who have high incidences of suicidal ideation. Opponents also stated that they did not need protection from the state regarding female athletes and that there is no showing that transgender students dominate sports at any level of competition, though MSHSAA, NCAA, and IOC have allowed transgender athletes for years. Hormone blocking is effective in preventing the biological concerns that many individuals have about transgender students competing in sports, and female athletes have shown success in male sports. There are already significant biological and physical differences between people competing in sports regardless of transgender athletes. Further, transgender students do not become transgender rapidly, but work through a long process that is not motivated by excelling in a particular sport. Transgender participation will not harm the legacies of women's athletics. Opponents say that there is a small number of transgender students competing in sports already, and this legislation targets and greatly harms them with no noticeable benefit. Opponents caution that this legislation will have a significant economic impact as it did in other states because organizations will not want to do business with Missouri. Opponents warn that this bill does not survive legal scrutiny as similar legislation has failed legal challenges in other states. These legal challenges will also cost the state significant money in litigation costs. There is no problem for this legislation to address.

Testifying against the bill were Kendall Martinez-Wright; Chase Strangio, American Civil Liberties Union; Daniel S Bogard; Debi Jackson; Giuseppe Piove Hollis Borrelli; Jacqueline Harper-Grubb; Jeff Kessinger; Kelly Storck; Paul H Taghert; Rori Picker Neiss; Sara Schmidt; Jewish Community Relations Council; Erin Gray; Jerald Scott; Kelsey Thurman; Logan Storck; Melina Constantine Miseo; Steven Alagna; Susan Gibson; Chandler Shipp; Alexis Biehl; Gabrielle Stanley; Paul Taghert; Lisa; Isabel Holland; Ashley

Quinn; James Alexander Cayley; Jay-Marie Hill; Tom Jackson; Betsy Vanderheyden; Elle Hollrah; Halley Moore; Isaac Gehrke; Justice T. Horn; Kerri Schafer, Phd; Patrick Sasser; Doree Bardes; Jordyn Wilson; Planned Parenthood Advocates in Missouri; Collins F Chetwin; Katherine Sasser; Karen Rogers; Karen Stokes; Wendy Miller; Kelsey Thurman; Rev. Dr. Teresa Danieleley; Alex Kalen; Angela Schaefer; Cameron Lee; Carla Willis; Cathryn Oakley, Human Rights Campaign; Cindy Beecher; Dorissa C. Tyndall; Ellen Underkoffler; Gail Wechsler; Greg Mathison; Helen Anderson; Jaminda Holmes; Katie Schroeder; Kevin L Nahm; Rebecca Shaw; Zóra Serfozo; Anneliese Schaefer; Stephanie Ross; Nancy Goth; Missouri NEA; Scott McKellar; Sean Connors; Brandon Boulware; Amy Hoogstraet; Missouri Chapter, American Academy of Pediatrics; Martha Echols; Patrick Sasser; Paul A Leykamp; Allison Brewer; Christopher Smith; Rori Picker Neiss; American Civil Liberties Union of Missouri; Laura Burkhardt; Mackenzie R Goodwin; Naral Pro-Choice Missouri; Planned Parenthood Advocates in Missouri; Teresa Danieleley; Dan N; Eli Kean; Howard Hutton; Jayme Sweere; Kelsey Kelly; Kerri Wieberg; April Zimmerman; Carl Hoagrand; Corey Hyman; Christine Hyman; Danielle Meert; James Thurow; Joey Borrelli; Michael Dempsey; Miles Rowe; Greater Kansas City Chamber of Commerce; Stella Harrison; Susan Halla; and Greater St. Louis, Inc.

Arnie Dienoff provided written informational testimony.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.