

1 HOUSE BILL 492

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Rod Montoya and John Block and Alan T. Martinez and  
5 Harlan Vincent and Mark Duncan  
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10 AN ACT

11 RELATING TO SPORTS; ENACTING THE WOMEN'S SPORTS PROTECTION ACT;  
12 PROVIDING FOR DESIGNATIONS OF ATHLETIC TEAMS BASED ON  
13 BIOLOGICAL SEX; REQUIRING SCHOOLS TO PROHIBIT BIOLOGICAL MALE  
14 PARTICIPATION ON FEMALE ATHLETIC TEAMS; REQUIRING SCHOOLS TO  
15 PROHIBIT BIOLOGICAL MALE PRESENCE IN FEMALE RESTROOMS AND  
16 LOCKER ROOMS; PROHIBITING ADVERSE ACTION AGAINST SCHOOLS  
17 COMPLYING WITH THE WOMEN'S SPORTS PROTECTION ACT; PROVIDING FOR  
18 CIVIL CAUSES OF ACTION.  
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20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

21 SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be  
22 cited as the "Women's Sports Protection Act".

23 SECTION 2. [NEW MATERIAL] DEFINITION.--As used in the  
24 Women's Sports Protection Act, "school" means a public or  
25 private primary school, a secondary school, an institution of

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1 higher education or a post-secondary educational institution.

2 SECTION 3. [NEW MATERIAL] DESIGNATION OF ATHLETIC  
3 TEAMS.--

4 A. Interscholastic or intramural athletic teams  
5 that are sponsored by a school and in which a public school  
6 competes shall be expressly designated based on biological sex,  
7 as any of the following:

- 8 (1) a males', men's or boys' team;  
9 (2) a females', women's or girls' team; or  
10 (3) a coed team.

11 B. A school that sponsors an athletic team  
12 designated for females, women or girls shall not allow:

- 13 (1) participation by students of the  
14 biological male sex; or  
15 (2) presence by students of the biological  
16 male sex in a locker room or restroom designated for females,  
17 women or girls.

18 SECTION 4. [NEW MATERIAL] PROTECTION FOR COMPLIANT  
19 SCHOOLS.--A state agency, political subdivision of the state,  
20 licensing or accrediting organization or athletic association  
21 or organization shall not entertain a complaint, open an  
22 investigation or take any other adverse action against a school  
23 for the school's compliance with the provisions of Section 3 of  
24 the Women's Sports Protection Act.

25 SECTION 5. [NEW MATERIAL] CIVIL CAUSES OF ACTION.--

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1           A. A student who is deprived of an athletic  
2 opportunity or suffers any direct or indirect harm as a result  
3 of a school's violation of the Women's Sports Protection Act  
4 shall have a private cause of action against the school for  
5 injunctive relief, damages or any other relief available  
6 pursuant to law.

7           B. A student who is subjected to retaliation or  
8 other adverse action by a school or athletic association or  
9 organization as a result of reporting to another person a  
10 violation of the Women's Sports Protection Act shall have a  
11 private cause of action for injunctive relief, damages or any  
12 other relief available pursuant to law against the school or  
13 athletic association or organization.

14           C. A school that suffers any direct or indirect  
15 harm, retaliation or adverse action as a result of a violation  
16 of Section 4 of the Women's Sports Protection Act shall have a  
17 private cause of action against the state agency, political  
18 subdivision of the state, licensing or accrediting organization  
19 or athletic association or organization that committed the  
20 violation for injunctive relief, damages or any other relief  
21 available pursuant to law.

22           D. A civil action initiated pursuant to this  
23 section shall be initiated within two years after the harm,  
24 retaliation or adverse action occurred. A person who prevails  
25 on a claim brought pursuant to this section shall be entitled

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1 to monetary damages, including damages for any psychological,  
2 emotional or physical harm suffered, reasonable attorney fees  
3 and costs and any other relief deemed appropriate by the court.

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