



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT  
BILL ANALYSIS  
2026 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

Check all that apply:

Original  Amendment   
Correction  Substitute

Date Prepared: January 31 2026

Bill No: HB233

Committee Referrals: Not Printed

Sponsor: Reeb / Jones / Brown /  
Montoya / Dow

Agency Name and Code: PED - 924

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Short Title: PROTECTION OF  
WOMEN'S SPORTS ACT

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**SECTION II: FISCAL IMPACT**

(Parenthesis ( ) Indicate Expenditure Decreases)

**APPROPRIATION (dollars in thousands)**

| Appropriation |      | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY27          | FY28 |                           |               |
| None          | None | N/A                       | NFA           |

**REVENUE (dollars in thousands)**

| Estimated Revenue |      |      | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY27              | FY28 | FY29 |                           |               |
| None              | None | None | N/A                       | NFA           |

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

|              | FY27 | FY28 | FY29 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|------|------|------|-------------------|---------------------------|---------------|
| <b>Total</b> | None | None | None | None              | N/A                       | NFA           |

Duplicates/Relates to Appropriation in the General Appropriation Act: None as of 2/7/26.

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

Synopsis: House Bill 233 (HB233) would create the Protection of Women’s Sports Act to limit participation in single-sex school sports to only those of the same biological sex assigned at birth. This would apply to public primary and secondary schools, higher education institutions, and private athletic clubs.

HB233 would require equal athletic opportunities to be offered to each sex, including single-sex teams. Furthermore, the bill would stipulate that all public educational institutions and athletic clubs that participate in athletic competitions designate each athletic team, sport, athletic competition or athletic event as either a:

- team, sport, competition or event for males, men or boys;
- team, sport, competition or event for females, women or girls; or
- coeducational or mixed team, sport, competition or event.

Any person who competes in a sport, athletic competition or athletic event designated for females, women, or girls would be required to be biologically female. However, there would be an exception for male athletes to participate as practice players.

The bill would prohibit a governmental entity, a licensing or accrediting organization, or an athletic association from considering a complaint, opening an investigation or taking adverse action against a public educational institution for complying with the act. The bill does however allow for persons, public educational institutions, athletic associations, clubs or teams, who have suffered from a violation of this act, to bring action against the violating entity. HB233 provides a one-year statute of limitations for these actions.

This bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the Legislature enacting them, unless a later date is specified. If enacted, this bill would become effective May 20, 2026.

### **FISCAL IMPLICATIONS**

The bill does not contain an appropriation.

### **SIGNIFICANT ISSUES**

While HB233 would restrict the majority of co-ed athletic participation, the bill does provide an exception for male athletes during practice events. However, these players must not take a roster spot, opportunity to compete, a scholarship, or a sport at the school on teams designated for females, women or girls.

Since 2022, over 300 bills were introduced targeting the LGBTQ+ community and [a majority of states](#) (29) have either laws or regulations that ban transgender youth from participating in sports consistent with their gender identity. New Mexico is part of the 21 states and five territories (including the District of Columbia) that have not enacted such legislation or passed similar regulation. Furthermore, New Mexico is considered one of the most protected states for LGBTQ+ individuals with robust anti-discrimination laws and policies in place. [Section 28-1-](#)

[7\(F\) NMAC 1978](#) of the Human Rights Act defines unlawful discrimination as any public accommodation refusing to offer its services, facilities, accommodation or goods to any person because of gender identity, potentially creating an inherent conflict between that act and the provisions of HB233. Furthermore, the New Mexico Activities Association (NMAA) sets its eligibility guidelines based on the student’s gender listed on their original or [amended birth certificates](#) (see, NMAA Bylaw 6.1).

A hostile school climate affects the academic success and mental health of LGBTQ+ students, and a vast majority ([86.3 percent](#)) of LGBTQ+ students experienced harassment or assault based on their personal characteristics, including sexual orientation, gender expression, and gender. While somewhat dated, the 2015 [New Mexico Youth Risk and Resiliency Report on LGBT Youth](#) indicated that 15.1 percent of high school students identified as lesbian, gay, bisexual, or unsure (LGBQ). The 2023 New Mexico Youth Risk and Resiliency Report indicates transgender and nonbinary youth are three times more likely to consider suicide (39.8 percent), nearly three times as likely to attempt suicide (19.8 percent), and twice as likely to attempt suicide resulting in harm (4 percent) than their cisgender peers.

In a review of eight research articles on 31 sports policies, [Loughborough University](#) found that transgender people had a mostly negative experience in competitive sports because of the restrictions the sport's policy placed on them. Additionally, a study in the [Journal of the Endocrine Society](#) concludes that, while more research is needed, there does not seem to be any reason to expect advantage for transgender people whose gender-affirming treatment begins at the onset of puberty. This study also notes that the existing literature suggests that treatment to lower testosterone may be sufficient to erase advantage in athletic activities.

As noted above, NMAA bases its eligibility guidelines on the student’s gender that is listed on their original or [amended birth certificates](#) yet the bill fails to address the New Mexico Vital Statistics Act, which was amended in 2019 to permit changes in designated gender. That amendment addressed [Section 24-14-25 NMSA 1978](#) of the act, which was amended to permit changes of gender to an applicant’s birth certificate (or their designation as non-binary) upon receipt of a signed statement by the individual applicant, their parent, or guardian. This change to an applicant’s birth certificate does not result in a designation that the birth certificate is “amended,” but the certificate is treated as an original document. This may create a conflict between Section 22-14-25 NMSA 1978, and the proposed Section 4 of HB233, which notes that the “sex listed on a participant's birth certificate may be relied on to establish the participant's eligibility... if the sex designated on the birth certificate was designated at or near the time of the participant’s birth”. The certificate with the amended gender is treated as an original per the statute and therefore would not comport with bill.

## **PERFORMANCE IMPLICATIONS**

In a 2022 study in [LGBT Health](#), 103 pediatric providers from all 50 states were surveyed and nearly all participants noted that legislation banning trans youth from sports participation would lead to worsening discrimination and stigmatization. Higher levels of discrimination equate to more missed school days, lower grade point averages, less post-secondary attendance, and lower self-esteem among impacted students.

## **ADMINISTRATIVE IMPLICATIONS**

As part of compliance with HB233, the Public Education Department (PED) and New Mexico Activities Association may need to establish processes for verifying athletes' biological sex, potentially raising logistical and privacy concerns amongst minor students, related to both state and federal law, such as the [Federal Educational Rights and Privacy Act](#).

The PED may also need to amend [6.13.4 NMAC](#), Governing Gender Equity in Participation in Interscholastic Sports to conform to the requirements of this proposed act.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

- Relates to [House Bill 191](#) which would appropriate \$530,000 to the PED to contract with an organization to develop inclusive curricula, educator training, and rural school outreach and support that uplifts lesbian, gay, bisexual, transgender, and queer students.
- Relates to [House Bill 273](#) which would establish the Women's Safety and Protection Act, requiring single-sex spaces in domestic violence shelters, public schools, and juvenile detention facilities in certain circumstances.

## **TECHNICAL ISSUES**

None.

## **OTHER SUBSTANTIVE ISSUES**

HB233 may raise equal protection concerns as it focuses entirely on penalizing male-to-female transgender persons, requiring females, women, or girls to verify their biological sex, while not imposing the same requirement on female-to-male transgender persons. This would then create more burdensome requirements on the teams, athletic competitions, events etc., that involve females, women, or girls as defined by the bill.

## **ALTERNATIVES**

None.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

None.

## **AMENDMENTS**

None.