

LFC Requester: _____

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

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(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 1/31/2026 *Check all that apply:*
Bill Number: HB233 Original Correction
Amendment Substitute

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**Agency Name and
Code Number:**

New Mexico Institute of
Mining and Technology
962

**Short
Title:** PROTECTION OF WOMEN'S
SPORTS ACT

Person Writing

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY27	FY28		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY27	FY28	FY29		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY27	FY28	FY29	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Need More Information	Need More Information	Need More Information			

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

- Relating to human rights;
- Enacting the Protection of Women’s Sports Act;
- Providing definitions;
- Requiring equal athletic opportunities for males and females;
- Requiring separate athletic opportunities in certain circumstances;
- Requiring designation of athletic teams, sports, athletic competitions and athletic events as for either sex separately or as coeducational;
- Prohibiting male participation for, against or with athletic teams designated for females;
- Allowing male athletes to participate as practice players on teams designated for females in certain circumstances;
- Providing private causes of action.

FISCAL IMPLICATIONS

Implementation of HB 233 may have an impact on the university's operating budget. The university would require additional recurring funding for staffing and administrative resources to establish and maintain a verification system for student-athlete birth certificates as required under Section 4(B).

Due to the private cause of action provisions in Section 8, the university anticipates increased legal and insurance costs to defend against potential lawsuits, particularly those arising from the broad indirect harm standard.

SIGNIFICANT ISSUES

Section 8(A) and 8(B) currently allow for private causes of action based on indirect harm. This is an exceptionally broad legal standard that could expose a university to speculative litigation from parties not directly involved in a specific athletic event. It is recommended to strike indirect harm to ensure standing is limited to those with specific, measurable losses.

There is a potential for direct conflict between the requirements of this Act and federal Title IX regulations. To protect the institution from contradictory legal mandates, the Act should include a provision stating that compliance with federal law or final federal regulations serves as a complete defense to any action brought under Section 8.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

Compliance may require the university to hire or reassign personnel to manage the verification and documentation of biological sex for all student-athletes. This includes dedicated compliance officers to oversee the secure handling of sensitive vital records and to manage the internal grievance process.

The university will need to develop and implement new internal policies to align with the Act's definitions. This includes updating privacy protocols for birth certificate verification, and regular reporting to athletic associations to ensure continued eligibility.

Administrative time will be required to reconcile state requirements under HB 233 with federal Title IX mandates.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

The bill should be amended to include a good faith immunity clause. Specifically, a public educational institution that relies in good faith upon a student's birth certificate, as described in Section 4(B), to determine athletic eligibility should be immune from civil liability regarding that determination.

Section 8 currently allows for immediate filing of private causes of action. We suggest adding a requirement that a student must first exhaust the institution's internal formal grievance and administrative processes before they are permitted to file a lawsuit in court.

As currently drafted, the broad definitions of "team" and "athletic event" in Section 2 may inadvertently apply the Act's requirements to campus intramural sports and recreational clubs. If the legislature intends to limit these regulations to intercollegiate/interscholastic athletics, the university suggests refining these definitions to explicitly exclude recreational and intramural activities.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS

§2, Page 2: Amend Subsection G (Definition of “Team”) to explicitly exclude intramural and recreational activities:

Add the following sentence to the end of Subsection G: For purposes of the Protection of Women’s Sports Act, 'team' shall not include intramural sports, recreational clubs, or non-competitive physical activities organized by a public educational institution for its student body.

§4, Page 3: Add a new Subsection (C):

(C) A public educational institution that relies in good faith upon a student’s birth certificate, as described in Subsection B of this section, to determine athletic eligibility shall be immune from civil liability for such determination.

§8, Page 5, Line 1 and Line 9: Strike the term “indirect harm”:

In Section 8(A) and 8(B), remove the words “indirect” to ensure that causes of action are limited to individuals or entities who have suffered direct harm.

Section 8, Page 5: Add a new Subsection (E) requiring exhaustion of administrative remedies:

(E) Before bringing a private cause of action pursuant to this section, a student must first file a formal grievance and exhaust the public educational institution’s internal administrative grievance process.

Section 8, Page 6: Add a new Subsection (F) regarding Federal Law compliance:

(F) In the event of a direct conflict between the requirements of the Protection of Women’s Sports Act and federal law or final federal regulations, compliance with federal law shall serve as a complete defense to any action brought under this section.