

HOUSE BILL 233

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

## INTRODUCED BY

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## AN ACT

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.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

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1                   **SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the**  
2                   **Protection of Women's Sports Act:**

3                   A. "athletic association" means a governing body  
4                   for athletic competition or sport or an organization of  
5                   athletic conferences;

6                   B. "athletic club" means a privately or publicly  
7                   operated organization that operates sports teams, trains  
8                   athletes for competition or allows athletes or athletic teams  
9                   to use its facilities on a regular basis;

10                  C. "athletic event" means a competition, contest,  
11                  game, jamboree, scrimmage, tournament, showcase, combine or  
12                  tryout related to a sport or physical activity;

13                  D. "compete" means to participate in an athletic  
14                  event or other event after which teams or participants are  
15                  designated as winners, roster spots are determined or prizes  
16                  awarded;

17                  E. "public educational institution" means a public  
18                  school, school district, governing body of a charter school or  
19                  public post-secondary educational institution;

20                  F. "sex" means a person's biological sex of either  
21                  male or female as designated at birth; and

22                  G. "team" means a group of people that participates  
23                  in athletic or physical competitions for the same organization,  
24                  school, club, college, university or cause.

25                  **SECTION 3. [NEW MATERIAL] ATHLETIC OPPORTUNITIES--**

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1       SEPARATE ATHLETIC TEAMS.--

2           A. A public educational institution that offers,  
3 operates or sponsors interscholastic or intercollegiate  
4 athletics shall provide equal athletic opportunities for both  
5 sexes.

6           B. Notwithstanding the requirements of Subsection A  
7 of this section, a public educational institution or an  
8 athletic club may operate or sponsor single-sex teams and  
9 provide that selection for such teams is based upon competitive  
10 skill or that the activity involved is a contact sport.

11          SECTION 4. [NEW MATERIAL] DESIGNATION OF ATHLETIC  
12 OPPORTUNITIES.--

13           A. All public educational institutions and athletic  
14 clubs that participate in athletic competitions or events with  
15 or against other institutions or clubs shall designate each  
16 athletic team, sport, athletic competition or athletic event as  
17 a:

18                  (1) team, sport, competition or event for  
19 males, men or boys;

20                  (2) team, sport, competition or event for  
21 females, women or girls; or

22                  (3) coeducational or mixed team, sport,  
23 competition or event.

24           B. A person who competes in any sport, athletic  
25 competition or athletic event designated for females, women or

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1 girls must be biologically female. The sex listed on a  
2 participant's birth certificate may be relied on to establish  
3 the participant's eligibility pursuant to this section if the  
4 sex designated on the birth certificate was designated at or  
5 near the time of the participant's birth.

6 **SECTION 5. [NEW MATERIAL] WOMEN'S ATHLETIC COMPETITION**  
7 **PROTECTIONS.--A public educational institution, an athletic**  
8 **club or an athletic association that operates, sponsors or**  
9 **permits athletic competitions or events shall not allow a male**  
10 **to compete for, against or with a team designated for females,**  
11 **women or girls or to compete in an event designated for**  
12 **females, women or girls.**

13 **SECTION 6. [NEW MATERIAL] MALE PRACTICE PLAYERS--**  
14 **PERMITTED.--Nothing in the Protection of Women's Sports Act**  
15 **shall prohibit a public educational institution, an athletic**  
16 **club or an athletic association from allowing male athletes to**  
17 **participate as practice players on teams designated for**  
18 **females, women or girls; provided that no such player takes a**  
19 **roster spot, an opportunity to compete, a scholarship or a spot**  
20 **at the school from a female.**

21 **SECTION 7. [NEW MATERIAL] COMPLIANCE.--A governmental**  
22 **entity, a licensing or accrediting organization or an athletic**  
23 **association shall not consider a complaint, open an**  
24 **investigation or take adverse action against a public**  
25 **educational institution for complying with the Protection of**

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1 Women's Sports Act.

2 **SECTION 8. [NEW MATERIAL] CAUSE OF ACTION--REMEDIES.--**

3           A. A person who is deprived of an athletic  
4 opportunity or who suffers or who will suffer direct or  
5 indirect harm resulting from a violation of the Protection of  
6 Women's Sports Act may bring a private cause of action for  
7 injunctive relief, compensatory damages and legal fees against  
8 the violating entity.

9           B. A public educational institution, an athletic  
10 association or an athletic club that suffers or will suffer  
11 direct or indirect harm as a result of a violation of the  
12 Protection of Women's Sports Act may bring a private cause of  
13 action against the violating entity for injunctive relief and  
14 compensatory damages.

15           C. A person, including a team or an athletic club,  
16 subjected to retaliation or other adverse action as a result of  
17 reporting a violation of the Protection of Women's Sports Act  
18 to an employee or a representative of a public educational  
19 institution, an athletic association or an athletic club or  
20 subjected to retaliation or other adverse action as a result of  
21 reporting a violation of that act to a state or federal agency  
22 with oversight authority may bring a private cause of action  
23 against the retaliating entity for injunctive relief, damages  
24 and any other relief available under law.

25           D. An action brought pursuant to this section shall

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1 be commenced within one year of the event giving rise to the  
2 complaint.

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