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Transgender athletes and the laws that govern participation

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Transgender athlete laws by state: Legislation, science, more



Katie Barnes, ESPN.com

Aug 24, 2023, 07:00 AM ET

Since 2020, 23 states have passed laws restricting transgender athletes' ability to participate in school sports in accordance with their gender identity. The laws vary from state to state, creating a patchwork legal landscape for transgender student-athletes wanting to participate in school sports.

In April, the [U.S. House of Representatives passed HR 734](#), a federal bill that mirrored legislation that had already been adopted by nearly half of the U.S. states. The bill declared that it was a "violation of Title IX" to "allow individuals of the male sex to participate in programs or activities that are designated for women or girls." It further stated that "sex shall be recognized based solely on a person's reproductive biology and genetics at birth." HR 734 passed the House on a party-line vote but has not been taken up by the Senate and is unlikely to become law. President Joe Biden has [said that he would veto](#) the bill.

EDITOR'S PICKS

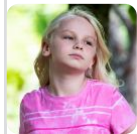


[FIDE bans trans women from women's chess](#)

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Why some states are sending transgender athletes to the sidelines

2y • Katie Barnes

The issue has spawned litigation in multiple states, and it is expected that the Supreme Court will eventually hear one of the cases.

The roots of the legislation can be traced to Idaho. In February 2020, Idaho Rep. Barbara Ehardt introduced HB 500. The bill sought to regulate eligibility for girls and women's sports at publicly funded schools and institutions of higher education by barring transgender girls and women from participating in the women's category. Ehardt was alarmed by transgender girls competing in girls' sports in other states. Over the course of two years, she consulted with Matt Sharp at the conservative legal firm Alliance Defending Freedom. Citing testimonials and studies, the bill states the "evidence is unequivocal" that there is a gender gap in sports and that claims to the contrary are a "denial of science." HB 500 was signed into law by Idaho Gov. Brad Little in March 2020, making it the first state to enact such a law, though it was later blocked by a federal court.

Laws such as HB 500 fit into a global climate of restrictive policies for transgender athletes, particularly transgender women seeking to compete in women's sports. In 2021, the [International Olympic Committee](#) turned the policy decisions over to the international federations, and many have adopted more restrictive policies. [World Athletics](#), [World Aquatics](#) and the [International Cycling Union](#) have enacted policies that bar transgender women from women's elite competition if they did not medically transition before puberty. The NCAA -- just months before [Lia Thomas won a 2022 NCAA title in swimming](#) -- announced that it would move to a [sport-by-sport approach](#), deciding to use the policies of each sport's national governing body.

Before the passage of the various state laws, high school associations set their own eligibility policies. For the states that have not passed legislation for transgender athlete participation, the high school association still sets the eligibility criteria for school sports, though individual school districts have increasingly begun to set their own policies. Consequently, a transgender athlete's ability to participate in sports in accordance with their gender identity depends on where the athlete lives, which sport they want to play and at what level.

Here is a state-by-state look at the rules governing transgender athlete participation.



ESPN Illustration

Alabama

On April 23, 2021, [Gov. Kay Ivey signed into law HB 391](#), which establishes sports categories fixed by sex in K-12 public schools and bars athletes assigned male at birth from participating in the girls' category. It also bars athletes assigned female at birth from participating in the boys' category unless there is no comparable girls' opportunity (such as football). On May 30, 2023, Ivey, a Republican, [signed into law HB 261](#), which extended the rule to public two- and four-year colleges.

Alaska

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SCHOOL DISTRICT, THE MATANUSKA-SUSITNA BOROUGH DISTRICT, HAS A [policy in place](#) THAT RESTRICTS transgender girls from competing on girls' sports teams.

Arizona

On March 30, 2022, then-[Gov. Doug Ducey signed into law SB 1165](#), which bans athletes assigned male at birth from participating in girls' interscholastic and intramural sports starting in kindergarten and running through college. On July 20, 2023, a [federal judge blocked enforcement](#) of the law pending a lawsuit filed on behalf of two transgender girls in the state.

Arkansas

In March 2021, then-[Gov. Asa Hutchinson signed SB 354](#). The law prohibits transgender girls and women from participating in girls' and women's sports in elementary school through college.

California

AB 1266, which was signed into law in 2013, requires public schools to allow transgender students to access bathrooms and sports teams in accordance with their gender identity. The [California Interscholastic Federation](#) policy echoes the law, but has an appeals process in case there is a dispute. No medical or legal requirements are stated.

Colorado

Students in Colorado must inform their school in writing that their gender identity differs from their sex assigned at birth, and the [Colorado High School Activities Association](#) requires the school to perform a confidential evaluation. All forms of documentation are voluntary, and there are no medical or legal requirements stated.

Connecticut

School districts in Connecticut determine the proper placement for each athlete, but the [Connecticut Interscholastic Athletic Conference](#) gives guidance that the districts should make those decisions based on the gender identity reflected in school records and the students' daily activities. There are no medical or legal requirements.

Delaware

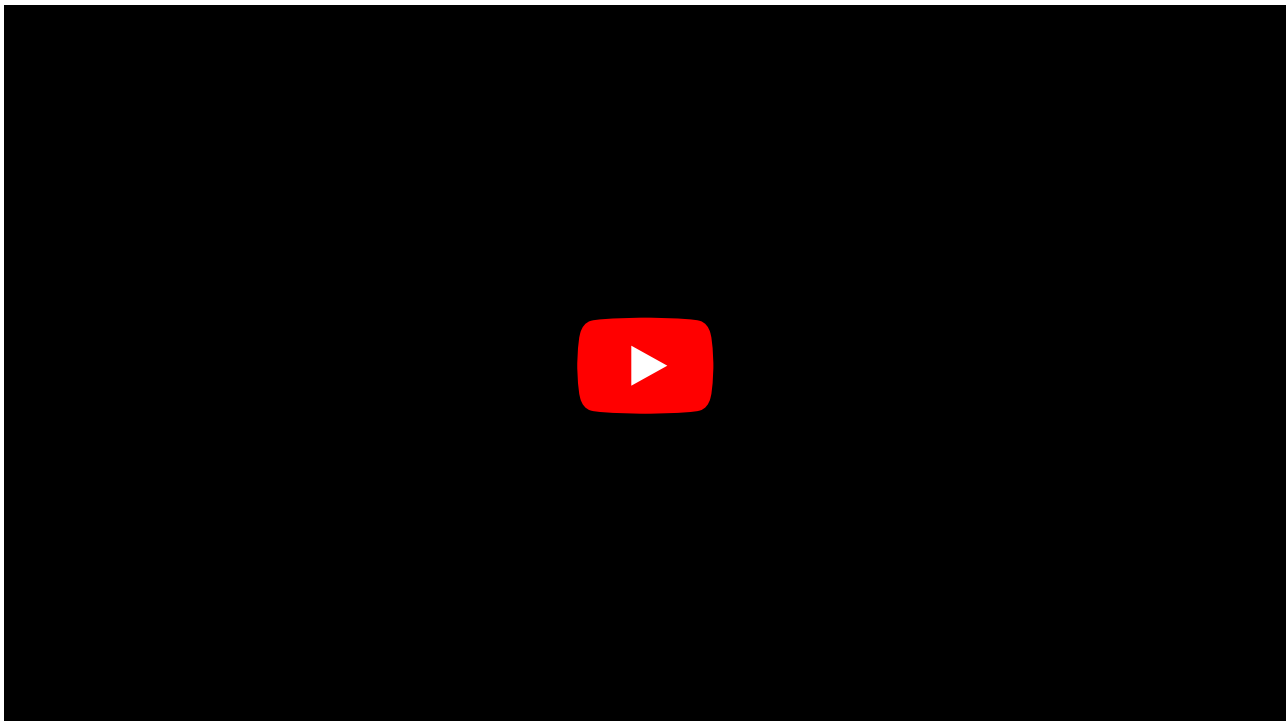
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physician certifies that a student has "had appropriate clinical treatment" for medical transition or has begun a medical transition. Each school determines a student's eligibility, and any school can challenge the participation of a transgender student if there are concerns about safety and competitive equity.

Florida

On June 1, 2021, Republican [Gov. Ron DeSantis signed SB 1028](#), which has a provision that states that sex for athletic participation in interscholastic, intercollegiate, intramural and club public school settings will be established by "official birth certificate," which was filed at or near birth. Those assigned female at birth may participate in boys' and men's sports, but those assigned male at birth may not participate in girls' and women's sports.



Georgia

On April 28, 2022, Republican [Gov. Brian Kemp signed HB 1084](#), which established a committee with the authority to bar transgender girls and women from competing on sports teams consistent with their gender identity. A bill that proposed a blanket ban failed to make it through the House. In May 2022, the [Georgia High School Association](#) passed a rule that states a student-athlete's gender will be determined by birth certificate. It states, with the exception of wrestling, students assigned

The [Hawaii High School Athletic Association](#) has no discernible policy, and the state has no law. Bills that would prohibit transgender girls from participating in girls' and women's sports have been filed, but none has passed.

Idaho

Idaho became the first state to enact a law restricting transgender students' access to sports in March 2020. Republican [Gov. Brad Little signed HB 500](#), which says that students assigned male at birth may not participate in girls' sports in public elementary, middle, high school or college. It includes club and intramural sports. A preliminary injunction was granted by a federal judge in August 2020, so the law has not gone into effect. On Aug. 17, 2023, the 9th Circuit Court of Appeals [upheld that ruling](#). The Idaho High School Activities Association policy mirrors the language of HB 500.

Illinois

The [Illinois High School Association](#) determines eligibility for student-athletes. A student must notify the school that their gender identity differs from their sex assigned at birth and provide medical documentation. The IHSA then convenes a group, which includes medical personnel acting in an advisory role, to issue a ruling. Legislation aimed at restricting the ability of transgender girls to play on girls' and women's teams has been introduced in Illinois but not passed.

Indiana

On May 24, 2022, the [Indiana General Assembly overturned Republican Gov. Eric Holcomb's veto of HB 1041](#) and made it illegal for athletes assigned male at birth to participate in girls' sports from kindergarten through high school graduation. A lawsuit challenging the ban [was dismissed](#) in January 2023 after the plaintiff transferred to a charter school.

Iowa

On March 3, 2022, Republican [Gov. Kim Reynolds signed into law House File 2416](#), which prohibits transgender girls and women from participating in girls' sports, starting in kindergarten, and women's college athletics. The law went into effect immediately.

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...banning athletes assigned male at birth from playing in girls' and women's sports at all interscholastic, intercollegiate, intramural and club levels at public schools. The law affects athletes from kindergarten through college.

Kentucky

On April 13, 2022, the [Kentucky legislature overrode Democratic Gov. Andy Beshear's veto of SB 83](#), enacting a law that bans athletes assigned male at birth from competing in women's and girls' athletics starting in sixth grade and running through college. It applies to public and private colleges as well as public and private schools with interscholastic athletics managed by the state board.

Louisiana

On June 6, 2022, Democratic [Gov. John Bel Edwards declined to veto SB 44](#), which bans transgender women and girls from competing on sports teams consistent with their gender identity at all public and some private elementary and secondary schools and colleges. Edwards had vetoed a similar bill in 2021. The law went into effect Aug. 1, 2022.

Maine

The [Maine Principals' Association](#) policy outlines procedures for student-athletes to compete in a category consistent with their gender identity. A student must notify their school, and the school requests a hearing with the Gender Identity Equity Committee. The student must provide school records, medical documentation, documentation that establishes the validity of the student's gender identity, a list of athletic activities in which the student wishes to participate, and documentation of the student's prior athletic history and achievements. The committee will grant the request unless it does not believe the student's identity is valid or if the committee believes the student will have an athletic advantage. Bills that would restrict transgender girls' ability to participate in girls' and women's sports have been filed but not passed.

Maryland

The [Maryland Public Secondary Schools Athletic Association](#) provides guidance for local school districts to determine eligibility for transgender students. The recommendations are that each student should be allowed to participate in accordance with their gender identity regardless of what is listed on the student's records. Should there be a concern about a student's gender identity, it

Massachusetts

The [Massachusetts Interscholastic Athletic Association](#) cites existing state law that requires students to be "accepted by their schools as the gender with which they identify across all school programs." Local schools make eligibility determinations, but MIAA focuses on gender identity, rather than sex, when separating sports. The regulation states "a student shall not be excluded from participation on a gender-specific sports team that is consistent with the student's bona fide gender identity."

Michigan

The [Michigan High School Athletic Association](#) allows transgender boys to participate in boys' sports without restriction. For transgender girls, the MHSAA executive director makes determinations on a case-by-case basis, considering the sex indicated on legal documents, and what medical steps have been taken, if any. Bills that would bar transgender athletes from participating on teams consistent with their gender identity have been introduced but have not become law.

Minnesota

The [Minnesota State High School League](#) allows transgender students to participate in accordance with their gender identity. There are no medical or legal requirements. The Minnesota State High School League hears appeals if a school should deem a student-athlete ineligible. Bills that would restrict the ability of transgender athletes to participate in sports have been introduced in the Minnesota legislature but have not passed.



ESPN Illustration

Mississippi

Republican [Gov. Tate Reeves signed SB 2536](#) in March 2021, limiting transgender athletes' ability to participate in sports. The law states that student-athletes assigned male at birth may not

On June 7, 2023, Republican [Gov. Mike Parson signed into law SB 39](#), which requires all athletes to compete on sports teams consistent with the gender they were assigned at birth or on a government record. The law affects public and private schools, elementary through college. Athletes assigned female at birth can participate in sports designated for males if the sport is not offered for girls and women.

Montana

In May 2021, Republican [Gov. Greg Gianforte signed into law HB 112](#), which states that students assigned male at birth may not participate in girls' sports in public elementary school, middle school, high school or college. It includes club and intramural sports.

Nebraska

Legislation to restrict transgender girls from participating in girls' and women's sports has been introduced but not passed. The [Nebraska School Activities Association](#) uses students' birth certificates to determine eligibility for sex-segregated sports. To participate in a manner consistent with their gender identity, transgender students must meet the following criteria: the student living as their gender identity; testimony provided by parents, friends, and/or teachers attesting to the validity of the student's gender identity; and verification from a health-care professional.

Additionally, transgender girls must have completed one year of hormone therapy or had surgery, and demonstrate through a "medical examination and physiological testing" that they do not have any additional advantages. There are no requirements stated for transgender boys. To become eligible, a student's school must determine that they meet the requirements set by the NSAA and file an application with the association. The NSAA will convene a committee to review applications. There is an appeal process should a student's request be denied. In April 2023, the Kearney school district [instituted a rule](#) that a student-athlete's sex, as written on a birth certificate, would be the determination for participation in grades 6-12.

Nevada

The [Nevada Interscholastic Activities Association](#) provides a position statement and policy guidance, but it is not regulatory. The guidance stipulates that schools should make the initial determination of a student's eligibility as reflected in the student's school records and daily life

New Hampshire

Individual schools in New Hampshire determine the best placement for student-athletes. The [New Hampshire Interscholastic Athletic Association](#) instructs that the determination of a student's eligibility to participate in gender-specific sports should be made based on the gender identity of that student as reflected in school records and daily life activities in school and the community. No medical or legal requirements are stated. Bills aimed to prevent transgender girls from participating in girls' and women's sports have been introduced to the New Hampshire legislature, but none has passed.

New Jersey

[New Jersey State Interscholastic Athletic Association](#) policy states that transgender students may participate either according to their sex assigned at birth or in a manner consistent with their gender identity, but not both. There are no medical or legal requirements stated. Any member school may appeal the eligibility of a transgender student, and that appeal will be heard by a committee. Bills that would restrict transgender girls from participating in girls' and women's sports have been filed but not passed.

New Mexico

There is no state law in New Mexico. Eligibility for sex-segregated sports in New Mexico is determined by birth certificate, original or amended. No additional guidance is provided by the [New Mexico Activities Association](#). Bills that would prohibit transgender girls from participating in girls' and women's sports have been filed in New Mexico but not passed.

New York

The [New York State Public High School Athletic Association](#) policy is that all students should be able to participate in accordance with their gender identity. A student must notify their superintendent that they would like to participate in a manner consistent with their gender identity. The student's school determines eligibility, which is confirmed by the superintendent using documentation provided by the student. Any appeal of a transgender student-athlete's eligibility goes to the commissioner of education.

North Carolina

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school year. "Sex shall be recognized based solely on a person's reproductive biology and genetics at birth," it states.

North Dakota

On April 11, 2023, Republican [Gov. Doug Burgum signed into law HB1249 and HB1489](#), which together place bans on athletes assigned male at birth from competing in girls' and women's sports at intramural and interscholastic levels, kindergarten through college.

Ohio

The [Ohio High School Athletic Association](#) uses a policy based on hormone therapy. A transgender boy who has not begun hormone therapy may participate in girls' or boys' sports. To be eligible to participate in boys' sports after beginning hormone therapy, medical evidence must be submitted that demonstrates that increased muscle mass from testosterone does not exceed that of a cisgender boy. Additionally, testosterone levels must be monitored every three to six months. To be eligible for participation in girls' sports, a transgender girl must have completed one year of hormone therapy or provide medical evidence that she does not possess physical (bone structure, muscle mass, testosterone, hormonal, etc.) or physiological advantages. Hormone treatments must be monitored by a physician, with regular reports sent to the OHSAA executive director's office. In June 2023, the [House approved H.B. 68](#), which would ban transgender girls and women from participating in girls' and women's sports from kindergarten through college. It has not yet been sent to the Senate.



What does science say about the transgender athlete debate? As the debate around transgender athletes continues, researchers focus their studies on testosterone and the athletic benefits it can provide.

Oklahoma

On March 30, 2022, Republican [Gov. Kevin Stitt signed into law SB 2](#), which prevents transgender girls and women from competing on girls' and women's sports teams. The law, which applies to athletes from kindergarten to college, took effect immediately.

Oregon

medical or legal requirements are stated.

Pennsylvania

The [Pennsylvania Interscholastic Athletic Association](#) gives power to individual principals to decide when "a student's gender is questioned or uncertain." No other detail is given. Bills that would restrict transgender girls from participating in girls' and women's sports have been filed but not passed. At least one Pennsylvania school district, Hempfield School District in Lancaster County, [enacted a policy](#) in 2022 that requires student-athletes to compete on a team that matches the gender they were assigned at birth.

Rhode Island

There is no Rhode Island state law that bans transgender athletes from participating in sports consistent with their gender identity. Individual schools in Rhode Island determine students' eligibility for sex-segregated sports. The [Rhode Island Interscholastic League](#) provides instruction to those schools that gender identity should be based on current school records and the daily life activities of the student at school and in the community. If a student's gender identity differs from that listed on their records, the student must notify the school, and the principal makes the determination based on documentation from a parent, guidance counselor or doctor, psychologist or other medical professional. Bills restricting transgender athletes' participation have been introduced but not passed.

South Carolina

On May 16, 2022, Republican [Gov. Henry McMaster signed into law H4608](#), which prohibits transgender boys and girls from competing on sports teams consistent with their gender identity. The law affects athletes from elementary school through college.

South Dakota

On Feb. 3, 2022, Republican [Gov. Kristi Noem signed into law SB 46](#), which bans transgender girls and college-age women from playing in school sports leagues that match their gender identity.

Tennessee

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[signed into law](#) a bill that bans transgender athletes from participating in women's college sports at public and private universities and includes both intercollegiate or intramural sports. It went into effect July 1, 2022.

Texas

On Oct. 25, 2021, Republican [Gov. Greg Abbott signed into law HB 25](#), which allows student-athletes participating in interscholastic sports to participate only in the sports that correspond with the sex listed on their "official birth certificate," which is defined as the document issued "at or near the time of the student's birth." On June 15, 2023, [Abbott signed SB 15](#), which extends the restriction to colleges and includes all NCAA, club and intramural sports.

Utah

On March 25, 2022, [lawmakers voted to override](#) Republican Gov. Spencer Cox's veto of H.B. 11, which bans transgender girls from participating on interscholastic sports teams consistent with their gender identity. In August 2022, District Court Judge Keith Kelly issued a preliminary injunction while he considered a lawsuit filed by three transgender student-athletes. While the lawsuit is pending, the state has convened a commission to make eligibility decisions about athletes on a case-by-case basis.

Vermont

There is no state law that bans transgender athletes from participating in sports consistent with their gender identity in Vermont. The state has been home to recent controversies in [basketball](#) and [volleyball](#). Students are required by the [Vermont Principals' Association](#) to notify their superintendent that they wish to participate in athletics consistent with their gender identity, and the home school will make the eligibility determination. The student must give the superintendent documentation from parents/guardians, guidance counselor and/or medical professional, though a medical diagnosis is not required. There are no medical or legal requirements stated.

Virginia

Republican Gov. Glenn Youngkin [issued new policies](#) for transgender students this past July, but the [Virginia High School League](#) told its member schools it plans to retain its policy, which uses a multilevel review process to determine eligibility. The student or parent/guardian must contact the principal of the student's school and provide the following documentation: a personal statement

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director and/or compliance officer. If the decision does not grant the student eligibility, they may appeal.

Washington (State)

The [Washington Interscholastic Activities Association](#) policy states that each athlete will participate in programs "consistent with their gender identity or the gender most consistently expressed."

There are no medical or legal requirements. If there is a question about eligibility, a student may appeal. Bills that would prohibit transgender girls from participating in girls' and women's sports have been introduced but not passed.

Washington, D.C.

Each school in Washington, D.C., determines the best placement of students when it comes to sex-segregated sports, but the [District of Columbia State Athletic Association](#) and the [District of Columbia Interscholastic Athletics Association](#) give clear guidance that schools must allow students to participate in a manner that is consistent with their gender identity. The association also has both an appeals and mediation process should a school deny a transgender student's eligibility. There are no medical or legal requirements stated.

West Virginia

On April 28, 2021, Republican [Gov. Jim Justice signed into law HB 3293](#), which mandates that student-athletes assigned male at birth may not participate in girls' sports in public elementary school, middle school, high school or college. It includes club and intramural sports. A lawsuit filed on behalf of a 12-year-old track athlete is pending, and the Supreme Court ruled in April that she can continue competing while the lawsuit continues.

Wisconsin

Several bills restricting transgender athlete participation have been introduced in Wisconsin, but none has passed. If a transgender student-athlete wishes to compete on a team consistent with their gender identity, they must notify their school in writing, and then submit medical documentation, a personal statement, verification from a health-care professional of their gender identity and additional written testimony from their parents, friends and/or teachers. The [Wisconsin Interscholastic Athletic Association](#) provides additional guidance around hormone therapy: a transgender boy must participate in the boys' category if he's started hormone therapy but can participate in the girls' category "if desired" if he hasn't; a transgender girl may participate in the girls' category after completing one year of hormone therapy but can participate in the boys' category "if desired" before that time. These regulations apply even if a student has transitioned socially. There is an appeals process.

Wyoming

[SF133 bans transgender girls and women in grades 7 through 12](#) from competing on sports teams consistent with their gender identity. The law, which went into effect July 1, also created a five-member school-activity-eligibility commission to hear eligibility appeals on a case-by-case basis. Republican Gov. Mark Gordon called the ban "draconian" and [withheld his signature](#).

