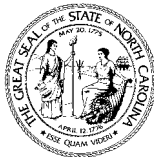


# TABLED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 631

AMENDMENT NO. A2  
(to be filled in by  
Principal Clerk)

S631-ABE-27 [v.2]

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Amends Title [NO]  
Second Edition

Date \_\_\_\_\_, 2023

Senator Chaudhuri

1 moves to amend the bill on page 1, line 4, through page 2, line 46, by rewriting the lines to read:

2  
3 "SECTION 1. Article 29E of Chapter 115C of the General Statutes is amended by  
4 adding a new section to read:

5 "**§ G.S. 115C-407.57. Gender participation rules.**

6 (a) The General Assembly intends that all students be allowed to compete on a level  
7 playing field in a safe, competitive, and friendly environment, free of discrimination.

8 (b) The State Board of Education shall allow participation in interscholastic athletic  
9 activities for all students, regardless of gender or gender identification. In order to provide every  
10 student-athlete with equal opportunities to participate in athletics, the State Board's participation  
11 rules adopted pursuant to G.S. 115C-407.55(1) shall include the following:

12 (1) Women shall not participate on a men's interscholastic athletic team where the  
13 school has a women's team in the same sport or where a school sends an entry  
14 to the women's state playoffs in the same sport. In cases where women are  
15 permitted on a men's team, the following shall apply:

16 a. The school forfeits all participation in the women's playoffs in the  
17 same sport.

18 b. Men's rules will be used.

19 (2) Men shall not participate on a women's interscholastic athletic team in any  
20 sport.

21 (3) A student may participate based on the gender noted on the student's  
22 certificate of birth.

23 (4) When a student's gender identity differs from the gender listed on the student's  
24 certificate of birth, a Gender Identity Request Form created by the North  
25 Carolina High School Athletic Association (NCHSAA) and provided to each  
26 school must be submitted by the public school unit to NCHSAA prior to any  
27 participation by the student under circumstances that would constitute  
28 ineligibility. The Request shall be based on the gender identification of that  
29 student in current school records and daily life activities in the school and  
30 community. The following information shall be submitted with the Request:

31 a. Documentation from individuals such as, but not limited to, parents,  
32 legal guardians appointed by a court of competent jurisdiction, friends,



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- 1                   or teachers, which affirm that the actions, attitudes, and manner  
2                   demonstrate the student's consistent gender identification.  
3                   Documentation from school personnel must be included.  
4                   b. A complete list of all the student's prescribed, non-prescribed, or  
5                   over-the-counter treatments or medications relevant to the gender  
6                   identity of the student.  
7                   c. A complete list of interventions that have happened related to the  
8                   gender identity of the student.  
9                   d. Written verification from an appropriate healthcare professional, such  
10                  as a physician, psychiatrist, psychologist, or school nurse, of the  
11                  student's consistent gender identification. This shall include any other  
12                  social or emotional information from health-care professionals that  
13                  would help in the review of the Request. This information must be  
14                  submitted on office letterhead of the healthcare professional who  
15                  provides verification with contact information and the professional  
16                  title of the individual.  
17                  e. Any other pertinent documentation or information which the student,  
18                  parent, or legal guardian appointed by a court of competent jurisdiction  
19                  believe relevant and appropriate.  
20                  (5) NCHSAA shall refer the Gender Identity Request to NCHSAA's Gender  
21                  Identity Committee for consideration. The Committee shall approve the  
22                  Request if it finds that the student genuinely identifies as the gender indicated  
23                  in the Request in accordance with the following:  
24                  a. The Committee shall require that the school has verified that the  
25                  student is eligible in all other aspects.  
26                  b. The Committee shall respect and promote the student's privacy and  
27                  confidentiality rights under the Health Insurance Portability  
28                  Accountability Act (HIPAA) and the Family Educational Rights and  
29                  Privacy Act (FERPA) in the process of considering a Gender Identity  
30                  Request. Information provided to the Committee shall be shared only  
31                  to the extent necessary to decide the Gender Identity Request;  
32                  provided that, if a Gender Identity Request is approved, the student's  
33                  school may share the student's gender identity with other schools as  
34                  necessary to ensure appropriate accommodations when competing at  
35                  another school.  
36                  (6) In cases where a Gender Identity Request has been approved:  
37                  a. The student shall be declared eligible to participate based on the  
38                  student's gender identity.  
39                  b. It shall be the responsibility of the school to comply with all State and  
40                  federal mandates and laws."

41                  **SECTION 2.** This act is effective when it becomes law and applies beginning with  
42                  the 2023-2024 school year. This act expires if either of the following criteria are met:

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- 1 (1) A recipient of one or more economic development incentives under Article 10  
2 of Chapter 143B of the General Statutes issues a public statement that the  
3 recipient will reduce or halt the creation of additional jobs due to the  
4 recipient's opposition to this act.  
5 (2) Any of the following entities issue a public statement opposing this act:  
6 a. The Atlantic Coast Conference.  
7 b. The National Association for Stock Car Auto Racing.  
8 c. The National Collegiate Athletic Association.  
9 d. The PGA Tour.  
10 e. The Professional Golfers' Association of America.  
11 f. The United States Golf Association."  
12  
13  
14  
15

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_