

**JOINT RESOLUTION-LEGISLATIVE FINDINGS ON
STATE SOVEREIGNTY IN REGARD TO TITLE IX**

2024 THIRD SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: R. Neil Walter

Senate Sponsor: Scott D. Sandall

LONG TITLE

General Description:

This joint resolution declares that Utah has the sovereign authority and responsibility to safeguard the state's health, safety, and welfare of, and to promote the prosperity of, Utah residents and that the federal government's overreach in regard to the new regulations adopted under Title IX of the Education Amendments of 1972, effective August 1, 2024, infringes upon this authority and responsibility.

Highlighted Provisions:

This resolution:

▸ declares that Utah has the sovereign authority with rights and responsibilities to safeguard Utah's men, women, and children;

▸ declares through legislative findings that the federal directive under the new regulations promulgated under Title IX of the Education Amendments of 1972, effective August 1, 2024 (New Regulations), constitutes an overreach of federal administrative authority that violates Utah's rights and interests to provide for the health, safety, welfare of, and to promote the prosperity of, Utah residents; and

▸ makes findings, in accordance with Utah Code Title 63G, Chapter 16, State Sovereignty, that the New Regulations restrict and infringe upon the state's rights and interests.

Special Clauses:



28 None

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30 *Be it resolved by the Legislature of the state of Utah:*

31 WHEREAS, the state of Utah has the sovereign authority and responsibility to
32 safeguard the health, safety, and welfare of the women, men, and children of Utah and ensure
33 the prosperity of all people of the state;

34 WHEREAS, it is the foremost obligation of the state to protect individuals within its
35 borders and resist unconstitutional overreach by the federal government;

36 WHEREAS, the U.S. Department of Education adopted new regulations to be codified
37 on August 1, 2024, as 34 C.F.R. Section 106, under Title IX of the Education Amendments of
38 1972, 89 Fed. Reg. 33474, (New Regulations);

39 WHEREAS, the New Regulations issued outside of express Congressional authority is
40 an abuse of the U.S. Department of Education's administrative power;

41 WHEREAS, as adopted, the New Regulations force the public education system and
42 system of higher education to acquiesce to the federal government's ideology on gender and
43 sex;

44 WHEREAS, the New Regulations' mandates are in direct conflict with Utah laws
45 enacted to ensure personal privacy, safe learning environments, and abortion policies that
46 reflect Utah's values, including:

47 (1) H.B.11, Student Eligibility in Interscholastic Activities, (2022 General Session),
48 which requires sex-designated athletic programs and privacy spaces to be accessed or
49 participated in based on biological sex to preserve fairness and equal competitive opportunities;

50 (2) H.B. 257, Sex-based Designations for Privacy, Anti-bullying, and Women's
51 Opportunities, (2024 General Session), which requires reasonable expectations of privacy,
52 safety, health, and welfare for Utah residents, especially for women and girls;

53 (3) Utah laws regarding students' rights on college and university campuses, which
54 protect students from harassment and preserve students' rights to free expression and due
55 process, under Utah Code Title 53B, Chapter 27, Campus Individual Rights Act; and

56 (4) Utah laws regarding abortion, which generally forbid the use of public funds for
57 abortion services, under Utah Code Title 76, Chapter 7, Part 3, Abortion;

58 WHEREAS, the New Regulations harm Utah's children by mandating that they share

59 locker room facilities, bathroom facilities, changing room facilities, and shower facilities with
60 the opposite sex;

61 WHEREAS, the U.S. Department of Education has corrupted the mission of Title IX,
62 which is to promote women's and girl's sports and to protect women and girls from
63 discrimination in education and sports;

64 WHEREAS, the New Regulations harm students on college and university campuses by
65 dictating the manner in which a student speaks and expresses opinions or thoughts, altering
66 college and university anti-harassment processes and procedures, and interfering with a
67 student's due process rights;

68 WHEREAS, by requiring government support of abortion services, the U.S.
69 Department of Education's rule is in direct conflict with the abortion "neutrality" provisions
70 adopted by Congress, 20 U.S.C. Section 1688; and

71 WHEREAS, under Utah Code Title 63G, Chapter 16, State Sovereignty, the Legislature
72 has authority to prohibit a government officer from enforcing a federal directive if the
73 Legislature determines the federal directive violates the state's rights and interests to provide
74 for the health, safety, and welfare of, and promote the prosperity of, the state's residents:

75 NOW, THEREFORE, BE IT RESOLVED that the Utah Legislature finds that the New
76 Regulations disadvantage women and girls who participate in women's and girl's sports by
77 requiring that they compete against biological males.

78 BE IT FURTHER RESOLVED that the Utah Legislature finds that the New
79 Regulations harm Utah's women, men, and children by imposing requirements on student
80 speech and due process rights.

81 BE IT FURTHER RESOLVED that the Utah Legislature finds that the New
82 Regulations usurp the state's laws on abortion.

83 BE IT FURTHER RESOLVED that the Utah Legislature finds that the New
84 Regulations force Utah's public education system and system of higher education to choose
85 between following Utah law or a federal directive that politicizes education by compelling
86 compliance or risk the loss of federal funds for programs and activities.

87 BE IT FURTHER RESOLVED that, in accordance with Utah Code Title 63, Chapter
88 16, State Sovereignty, the Utah Legislature finds that the New Regulations restrict and infringe
89 upon the state's right to provide for the state's health, safety, and welfare and are irreconcilable

90 with the state's sovereign obligation to promote the prosperity of its citizens.