

Effective 7/1/2022

53G-6-1003 School Activity Eligibility Commission -- Baseline range.

- (1) There is created the School Activity Eligibility Commission.
- (2)
 - (a) The commission shall consist of the following members:
 - (i) the following two members whom the president of the Senate appoints:
 - (A) a mental health professional; and
 - (B) a statistician with expertise in the analysis of medical data;
 - (ii) the following two members whom the speaker of the House of Representatives appoints:
 - (A) a board-certified physician with expertise in gender identity healthcare; and
 - (B) a sports physiologist;
 - (iii) the following two members whom the governor appoints:
 - (A) a representative of an athletic association; and
 - (B) an athletic trainer who serves student athletes on the collegiate level; and
 - (iv) one ad hoc member, serving on a case-by-case basis, who is:
 - (A) appointed by the athletic association in which the relevant student's school competes; and
 - (B) a certified high school coach or official who coaches or officiates in a separate region or classification from the relevant student's school and in the sport in which the relevant student seeks eligibility.
 - (b) An athletic association may prepare and communicate the association's sport-specific appointments described in Subsection (2)(a)(iv) in preparation for student requests in a given sport.
- (3)
 - (a) A member of the commission described in Subsections (2)(a)(i) through (iii) shall serve an initial term of one year, subject to reappointment for subsequent terms of two years.
 - (b) If a vacancy occurs in the membership of the commission, the individual responsible for the appointment of the vacant seat as described in Subsection (2) shall fill the vacancy in the same manner as the original appointment.
- (4)
 - (a)
 - (i) Except as provided in Subsection (4)(a)(ii), all members of the commission constitute a quorum of the commission for a meeting to determine the eligibility of a student.
 - (ii) All members of the commission described in Subsections (2)(a)(i) through (iii) constitute a quorum for any meeting other than the meeting described in Subsection (4)(a)(i).
 - (b) An action of a majority of a quorum constitutes an action of the commission.
- (5) A majority of the commission members described in Subsections (2)(a)(i) through (iii) shall elect a chair from among the members described in Subsections (2)(a)(i) through (iii) to:
 - (a) schedule meetings of the commission;
 - (b) set the agenda of commission meetings; and
 - (c) facilitate discussion among the commission's members.
- (6) A commission member:
 - (a) may not receive compensation or benefits for the member's service on the commission; and
 - (b) may receive per diem and reimbursement for travel expenses that the commission member incurs as a commission member at the rates that the Division of Finance establishes under:
 - (i) Sections 63A-3-106 and 63A-3-107; and
 - (ii) rules that the Division of Finance makes under Sections 63A-3-106 and 63A-3-107.
- (7) The commission may enter into an agreement with an athletic association to provide staff support to the commission.

- (8)
- (a) The commission shall establish a baseline range of physical characteristics for students participating in a specific gender-designated activity at a specific age to provide the context for the evaluation of an individual student's eligibility for a given gender-designated interscholastic activity under Section 53G-6-1004.
 - (b) In creating the baseline ranges described in Subsection (8)(a), the commission shall include the physical characteristics for the age and gender group in a given gender-designated interscholastic activity that are relevant to the specific interscholastic activity.
 - (c) The physical characteristics described in Subsection (8)(b) may include height, weight, physical characteristics relevant to the application of the standard described in Subsection 53G-6-1004(3), or the extent of physical characteristics affected by puberty, giving consideration to the practicability of considering the physical characteristic when making an assessment of an individual student's eligibility under Section 53G-6-1004.
- (9) Any record of the commission, including any communication between an athletic association and the commission, that relates to a specific student shall be classified as a protected record under Title 63G, Chapter 2, Government Records Access and Management Act.
- (10) Members of the commission are immune from suit with respect to all acts done and actions taken in good faith in carrying out the purposes of this part.
- (11) The commission has no authority in relation to eligibility questions other than participation in a gender-designated interscholastic activity under this part.

Enacted by Chapter 478, 2022 General Session