

1 **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

Cosponsor:	Stephanie Gricius	Thomas W. Peterson
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Paul A. Cutler	A. Cory Maloy	Stephen L. Whyte
Ariel Defay	Michael J. Petersen	
Joseph Elison	Karen M. Peterson	

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3 **LONG TITLE**

4 **General Description:**

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

10 **Highlighted Provisions:**

11 This resolution:

- 12 ▸ declares that Utah has the sovereign authority with rights and responsibilities to

13 safeguard Utah's men, women, and children;

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

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

21 **Other Special Clauses:**

22 None

23

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

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

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

30 WHEREAS, the U.S. Department of Education adopted new regulations to be codified on
31 August 1, 2024, as 34 C.F.R. Section 106, under Title IX of the Education Amendments of
32 1972, 89 Fed. Reg. 33474, (New Regulations);

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

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

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

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

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

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

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

52 WHEREAS, the New Regulations harm Utah's children by mandating that they share locker
53 room facilities, bathroom facilities, changing room facilities, and shower facilities with the
54 opposite sex;

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

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

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

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

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

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

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

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

81 BE IT FURTHER RESOLVED that, in accordance with Utah Code Title 63, Chapter 16,
82 State Sovereignty, the Utah Legislature finds that the New Regulations restrict and infringe
83 upon the state's right to provide for the state's health, safety, and welfare and are irreconcilable
84 with the state's sovereign obligation to promote the prosperity of its citizens.