



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE GOVERNOR

Andy Beshear  
GOVERNOR

Capitol Building, Suite 100  
700 Capitol Avenue  
Frankfort, KY 40601  
(502) 564-2611  
Fax: (502) 564-2517

Received of  
Senate Clerk's Office  
Date: 4/14/22 DGA  
3:55pm

**VETO MESSAGE FROM THE**  
**GOVERNOR OF THE COMMONWEALTH OF KENTUCKY**  
**REGARDING SENATE BILL 83 OF THE 2022 REGULAR SESSION**

*I, Andy Beshear, Governor of the Commonwealth of Kentucky, pursuant to the authority granted under section 88 of the Kentucky Constitution, do hereby veto the following:*

Senate Bill 83 of the 2022 Regular Session of the General Assembly in its entirety.

*The General Assembly calls Senate Bill 83 the "Fairness in Women's Sports Act." If it were truly the intention of the General Assembly to prevent unfair advantage in women's sports, it needed to look no further than the policies of the Kentucky High School Athletic Association. Importantly, the KHSAA "recognizes and promotes the ability of transgender student-athletes to participate in the privilege of interscholastic sports and sport-activities free from unlawful discrimination based on sexual orientation." The KHSAA "policy is designed to guide member school personnel as they create an environment free from discrimination and provide an equal opportunity for participation in athletics in accordance with applicable state and federal laws, rules and regulations." To accomplish this important goal the KHSAA requires:*

- a) Each student-athlete shall participate according to the gender as listed on their birth certificate unless they were legally reassigned.*
- b) Reassignment may be demonstrated through the use of a birth certificate, driver's license, passport or other certified medical record as verified to the member school.*
- c) Each member school is responsible for making this initial determination for its student-athlete.*
- d) A student-athlete who has undergone sex reassignment is eligible to compete in the reassigned gender, provided such is not precluded by additional adopted bylaw or policy, when:
  - (1) The student-athlete has undergone sex reassignment before puberty, or*
  - (2) The student-athlete has undergone sex reassignment after puberty under all of the following conditions:
    - a. Surgical anatomical changes have been completed, including external genitalia changes and gonadectomy;*
    - b. Hormonal therapy appropriate for the assigned sex has been administered in a verifiable manner and for a sufficient length of time to minimize gender-related advantages in sports competition; and***

*c. If a student-athlete stops taking hormonal treatment, they will be required to participate in the sport consistent with their birth gender.*

*The KHSAA has approached the issue of transgender sports participation with nuance, collaboration and a sense of fairness that would allow transgender children the opportunity to participate in sports without disturbing the competitive balance. Senate Bill 83 disregards these efforts, inserting the General Assembly into our schools and imposing a complete ban on transgender children to compete in girls' sports. Again, the KHSAA policy requires that a student-athlete who has undergone sex reassignment after puberty must take hormonal therapy in a verifiable manner and for a sufficient length of time to minimize gender-related advantages in competition, and if the student-athlete stops taking hormonal therapy they must participate in the sport consistent with their birth gender. Under the KHSAA policy a student-athlete cannot compete if they have an unfair advantage.*

*In recent weeks, the Republican Governors of Utah and Indiana vetoed similar bills banning transgender children from participating in school sports. They each mentioned the several lawsuits across the country challenging similar bills with initial rulings enjoining their enforcement on equal protection grounds. They each also noted the inability of their state legislatures to identify any existing problems with transgender children participating in their respective state's school sports. Most importantly, however, the Governor of Utah acknowledged the difficulties faced by our transgender community and the research that shows that the acceptance and connection transgender children experience through school sports can reduce suicidality significantly.*

*I share the same concerns. Senate Bill 83 most likely violates the equal protection rights afforded by the United States Constitution because it discriminates against transgender children seeking to participate in girls' or women's sports. Moreover, Senate Bill 83 bans transgender children from participating in girls' or women's sports without presenting a single instance in Kentucky of a child gaining a competitive advantage as a result of sex reassignment. The General Assembly has not pointed out any example of the KHSAA policy being ineffective in allowing transgender children to participate in sports while maintaining a fair competitive advantage. Transgender children deserve public officials' efforts to demonstrate that they are valued members of our communities through compassion, kindness and empathy, even if not understanding. The KHSAA attempted to do that, but Senate Bill 83 prevents it.*

*For these reasons, I am vetoing Senate Bill 83.*

This, the 6<sup>th</sup> day of April, 2022.



Andy Beshear  
Governor