

**State of Board of Health
Agenda
August 18, 2025 – 10:30 a.m.
Perimeter Center, Board Room 2**

Call to Order	Mike Desjadon, Chair
Introductions	Mr. Desjadon
Review of Agenda	Joe Hilbert Deputy Commissioner, Governmental and Regulatory Affairs
Public Comment Period	
Break	
Overview of Petition for Rulemaking Process	Mr. Hilbert
<u>Regulatory Action Items</u> Petition for Rulemaking #432: Prevent biological males from female-only athletics and certain female designated spaces	Mr. Desjadon
Adjourn	

Dear Virginia Department of Health and Board of Health,

Pursuant to Va. Code § 2.2-4007, on behalf of myself (Réka György), Lily Mullens, and Carter Satterfield, female athletes in Virginia who have been directly harmed by males competing in female collegiate sports, I am hereby formally requesting that the Virginia Board of Health add and/or amend regulations within 12 VAC 5 to prevent biological males from participating in organized female-only athletic teams and competitions in Virginia, and to prevent biological males from using designated female spaces where females are likely to be in any state of undress. The public health of Virginians, particularly of women and girls, demands that the Department of Health take action to prevent further harm, both physical and psychological, from males claiming or pretending to be females and gaining access to female-only athletic competitions and private spaces.

The Board of Health has authority to promulgate such regulations pursuant to § 32.1-2 and § 32.1-12 of the Code of Virginia. Specifically:

§ 32.1-2. Finding and purpose.

The General Assembly finds that the protection, improvement and preservation of the public health...are essential to the general welfare of the citizens of the Commonwealth. For this reason, the State Board of Health...shall administer and provide a comprehensive program of preventive...health services, ... and abate hazards and nuisances to the health..., both emergency and otherwise, thereby improving the quality of life in the Commonwealth.

This comprehensive program of preventive...health services shall include prevention...focused on women's health, including, but not limited to...conditions unique to or more prevalent among women.

§ 32.1-12. Regulations, variances and exemptions.

The Board may make, adopt, promulgate and enforce such regulations...as may be necessary to carry out the provisions of this title and other laws of the Commonwealth administered by it, the Commissioner or the Department.

Petitioner Bios

Réka György: Réka is an Olympian and a former college swimmer for Virginia Tech. She competed for her home country, Hungary, in the 2016 Olympic Games in Rio de Janeiro, Brazil, in the 200m backstroke and at multiple European Championships. After competing for Hungary in the Olympic Games, she came to Virginia Tech to obtain her college degree and continue competing in swimming. At Virginia Tech, she was a two-time ACC Champion and a two-time NCAA Division I All-American.

In 2022, Réka had to compete against Lia Thomas, a 6-foot-4 biological male, at the 2022 Women's Swimming and Diving NCAA Championship in the 500-yard freestyle. She placed 17th in the 500 freestyle, missing the finals by only one spot. Thomas won this event, and she felt cheated out of her opportunity to race again in the finals and score valuable points for her team because the NCAA allowed Thomas, a male, to compete in the female category.

Additionally, Réka had to share the same locker room with Thomas. Those in charge of the NCAA and the university authorized a man with full male genitalia to disrobe in front of a room full of women and invade their safe spaces. They didn't ask her and the other females if we were okay with it. They didn't inform them ahead of time—they just let it happen. She had to learn this the hard way. She physically bumped into Thomas when she opened the women's locker room door the day before the competition started, and he was coming out of the locker room. She was holding her clothes in front of her, and she could feel his male genitalia with her hands, which were stuck between them. That was the moment she realized her privacy had been taken away, and she would have to share the locker room with a male and undress in front of him.

Réka was severely stressed going into the locker room and undressing, constantly looking over her shoulder, knowing that Thomas could walk in at any second. She felt that the NCAA didn't care about how she felt when her privacy was taken away. They prioritized a man over her safety, rights, and privacy. She believes those who should have been concerned for their protection betrayed all of the women. She believes this should never have happened and should never happen again. That is why she wrote an open letter at the end of the meet in 2022, which she gave to the NCAA in Atlanta and then shared on social media. She never got a response from the NCAA and it has been three years. She believes that she and all female athletes deserve fairness, equality, safety, and privacy in sports. That is why she is asking the Board of Health to protect future female athletes and girls in sports.

Lily Mullens: Lily Mullens is a senior at Roanoke College and the captain of the women's swim team. Her leadership was recently put to the test when her team was informed that a "transgender" athlete, who had previously competed on the men's team, would be joining their women's team. Despite meetings with coaches and administrators, the situation left Lily and her teammates feeling unsupported, vulnerable, and unsafe. The emotional strain of managing both team dynamics and the pressure surrounding the issue took a toll, but Lily's commitment to her team's values remained strong. In October 2023, she and nine of her teammates spoke out at a press conference, standing up for the integrity and safety of women's sports. Lily's advocacy is driven by a deep sense of responsibility to protect future generations of female athletes. Now she is asking the Board of Health to fulfill its vital role in protecting female athletes.

Carter Satterfield: Carter Satterfield is a junior swimmer at Roanoke College, known for her resilience and dedication to fairness in women's sports. Her journey took a pivotal turn when she learned that a male swimmer, who had previously competed on the men's team, would be joining her women's team. Despite initial promises from her coach to protect their locker rooms, the team was left powerless to defend their privacy, as well as their records and scoring opportunities at the championship meet, as the male athlete began outperforming the women. Unwilling to stay silent, Carter and her teammates unanimously decided that they would rather forgo their competitive season than compete alongside a male athlete on their women's team. Carter has since become an outspoken advocate for women's sports, joining the *Gaines et al. v. NCAA* lawsuit. Her story is one of courage and conviction as she fights to preserve the integrity of women's athletics and ensure fairness and safety for future generations of female athletes. Now she is asking the Board of Health to fulfill its vital role in protecting female athletes.



- Secretariat** Health and Human Resources
- Agency** Virginia Department of Health
- Board** State Board of Health

Petition 432

Petition Information	
Petition Title	Prevent biological males from female-only athletics and certain female-designated spaces
Date Filed	4/10/2025
Petitioner	Réka György, Lily Mullens, Carter Satterfield
Petitioner's Request	<p>Pursuant to Va. Code § 2.2-4007, on behalf of myself (Réka György), Lily Mullens, and Carter Satterfield, female athletes in Virginia who have been directly harmed by males competing in female collegiate sports, I am hereby formally requesting that the Virginia Board of Health add and/or amend regulations within 12 VAC 5 to prevent biological males from participating in organized female-only athletic teams and competitions in Virginia, and to prevent biological males from using designated female spaces where females are likely to be in any state of undress. The public health of Virginians, particularly of women and girls, demands that the Department of Health take action to prevent further harm, both physical and psychological, from males claiming or pretending to be females and gaining access to female-only athletic competitions and private spaces.</p> <p>The Board of Health has authority to promulgate such regulations pursuant to § 32.1-2 and § 32.1-12 of the Code of Virginia. Specifically:</p> <p>§ 32.1-2. Finding and purpose.</p> <p>The General Assembly finds that the protection, improvement and preservation of the public health...are essential to the general welfare of the citizens of the Commonwealth. For this reason, the State Board of Health...shall administer and provide a comprehensive program of preventive...health services, ... and abate hazards and nuisances to the health..., both emergency and otherwise, thereby improving the quality of life in the Commonwealth.</p> <p>This comprehensive program of preventive...health services shall include prevention... focused on women's health, including, but not limited to...conditions unique to or more prevalent among women.</p> <p>§ 32.1-12. Regulations, variances and exemptions.</p> <p>The Board may make, adopt, promulgate and enforce such regulations...as may be necessary to carry out the provisions of this title and other laws of the Commonwealth administered by it, the Commissioner or the Department.</p>
Agency's Plan	In accordance with § 2.2-4007 of the Code of Virginia, the petition has been filed with the Registrar of Regulations and will be published on May 5, 2025 and posted to the Virginia Regulatory Town Hall. Publication will begin a 21-day public comment period,

	<p>during which comment on the petition will be accepted. Public commenters are encouraged to comment via www.townhall.virginia.gov.</p> <p>Following receipt of public comment and within 90 days of the end of the public comment period, a written decision to grant or deny the petition will be issued.</p>
Comment Period	<p>Began 5/5/2025 Ended 5/26/2025</p> <p><u>2334 comments</u></p>
Virginia Register Announcement	<p>Submitted on 4/10/2025</p> <p><u>The Virginia Register of Regulations</u></p> <p>Published on: 5/5/2025 Volume: 41 Issue: 19</p>
Agency Decision	Pending

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Code of Virginia
Title 32.1. Health
Chapter 1. Administration Generally
Article 1. General Provisions

§ 32.1-2. Finding and purpose

The General Assembly finds that the protection, improvement and preservation of the public health and of the environment are essential to the general welfare of the citizens of the Commonwealth. For this reason, the State Board of Health and the State Health Commissioner, assisted by the State Department of Health, shall administer and provide a comprehensive program of preventive, curative, restorative and environmental health services, educate the citizenry in health and environmental matters, develop and implement health resource plans, collect and preserve vital records and health statistics, assist in research, and abate hazards and nuisances to the health and to the environment, both emergency and otherwise, thereby improving the quality of life in the Commonwealth.

This comprehensive program of preventive, curative, restorative, and environmental health services shall include prevention and education activities focused on women's health, including, but not limited to, osteoporosis, breast cancer, and other conditions unique to or more prevalent among women.

1979, c. 711; 1995, c. [78](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Code of Virginia
Title 32.1. Health
Chapter 1. Administration Generally
Article 2. State Board of Health

§ 32.1-12. Regulations, variances and exemptions

The Board may make, adopt, promulgate and enforce such regulations and provide for reasonable variances and exemptions therefrom as may be necessary to carry out the provisions of this title and other laws of the Commonwealth administered by it, the Commissioner or the Department.

Code 1950, § 32-6; 1972, c. 504; 1979, c. 711.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

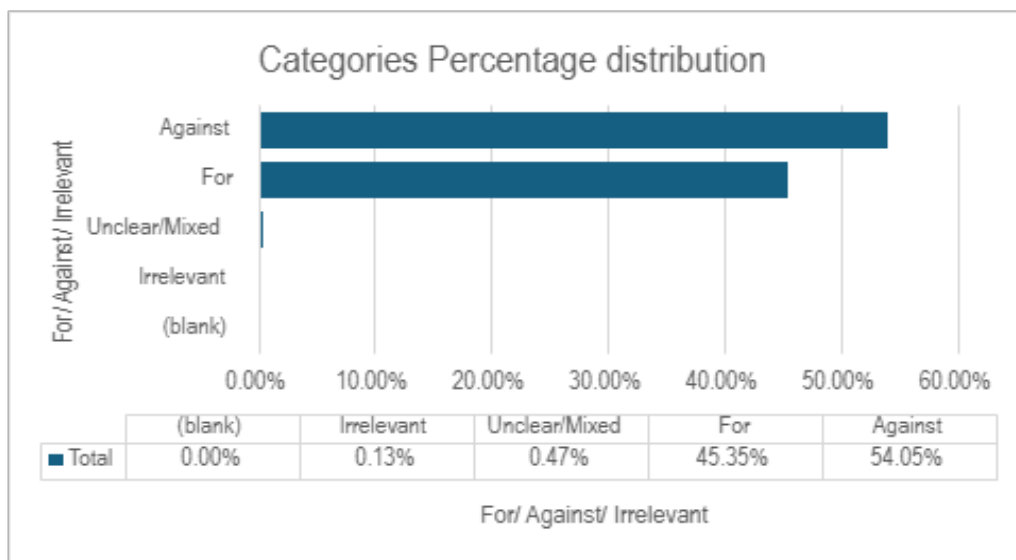
Summary of Public Comments Received

The public comment period regarding Petition 432: Prevent biological males from female-only athletics and certain female-designated spaces was open from 5/5/2025 and closed 5/26/2025. During that time frame 2,335 comments were recorded. All comments were analyzed manually to determine if the comment was “For” the petition, “Against” the petition, “Unclear/Mixed” regarding the petition, or “Irrelevant.”

Categories Data

The analysis of 2,335 comments shows that 1,262 comments (54.0%) expressed opposition to the petition. Meanwhile, 1,059 comments (45.4%) supported it. 11 comments (0.5%), were categorized as unclear or mixed, meaning that it was not clear whether the commenter supported or opposed the petition. Additionally, 3 comments (0.1%) were deemed irrelevant to the topic.

For/ Against/ Irrelevant	Count	%
Against	1,262	54.0%
For	1,059	45.4%
Unclear/Mixed	11	0.5%
Irrelevant	3	0.1%
Grand Total	2,335	100%



NCAA Policies on Transgender Athletes: A Timeline of Key Developments

Prior to 2011, the NCAA lacked comprehensive policies regarding transgender athletes. As a result, eligibility decisions were made on a state-by-state basis, leading to inconsistent and fragmented approaches across the country. In 2011, the NCAA introduced its first formal policy on transgender athlete participation, which included the following provisions:

- Transgender women were permitted to compete on women's teams after completing one year of hormone therapy, specifically involving androgen suppression.
- Athletes who did not identify as female but had not begun testosterone therapy were allowed to continue competing in women's sports.
- The policy explicitly rejected the requirement of surgical intervention or legal recognition of gender for participation.

In response to increased public attention surrounding Lia Thomas, a transgender swimmer at the University of Pennsylvania, and growing legislative actions in various states to restrict transgender participation in sports, the NCAA announced a policy change in January 2022. Lia had competed on the men's swim team at UPenn before joining the women's team in her senior year, after completing the required one year of hormone therapy. The NCAA Board of Governors adopted a new policy aligned with the standards of the United States Olympic and Paralympic Committee and the International Olympic Committee (NCAA, 2022a; IOC, 2021). The 2022 policy included:

- A shift from uniform eligibility standards to a sport-by-sport approach.
- Deference to the policies of each sport's national governing body or international federation. In the absence of such policies, the IOC guidelines would apply.

In 2025, following an Executive Order from the current presidential administration, the NCAA introduced its most restrictive policy to date (NCAA, 2022b). The updated policy states:

- Only student-athletes assigned female at birth may compete in women's sports.
- Student-athletes assigned male at birth are barred from participating on women's teams in any capacity.
- Individuals assigned female at birth who begin hormone therapy may practice with the women's team but are ineligible to compete without jeopardizing the team's championship eligibility.

Sources

International Olympic Committee (IOC). (2021). *IOC framework on fairness, inclusion and non-discrimination on the basis of gender identity and sex variations*. International Olympic Committee. <https://stillmed.olympics.com/media/Documents/Beyond-the-Games/Human-Rights/IOC-Framework-Fairness-Inclusion-Non-discrimination-2021.pdf>

National Collegiate Athletic Association (NCAA). (2022a). *Board of Governors updates transgender participation policy*. NCAA. <https://www.ncaa.org/news/2022/1/19/media-center-board-of-governors-updates-transgender-participation-policy.aspx>

National Collegiate Athletic Association. (2022b). *Participation policy for transgender student-athletes*. NCAA. <https://www.ncaa.org/sports/2022/1/27/transgender-participation-policy.aspx>