

FIRST REGULAR SESSION

HOUSE BILL NO. 170

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SEITZ.

0501H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 167 and 173, RSMo, by adding thereto two new sections relating to participation in athletics.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 167 and 173, RSMo, are amended by adding thereto two new sections, to be known as sections 167.178 and 173.088, to read as follows:

167.178. 1. This section and section 173.088 shall be known and may be cited as the "Save Women's Sports Act".

2. As used in this section, the following terms mean:

(1) "Parent", a parent, guardian, custodian, or other person with authority to act on behalf of a student;

(2) "Private school", the same definition as in section 166.700;

(3) "Public school", the same definition as in section 160.011;

(4) "School organization", a statewide athletic organization with a public school district as a member including, but not limited to, the Missouri State High School Activities Association.

3. Interscholastic or intramural athletic teams that are sponsored by a public school or by a private school whose students compete against a public school's students shall be expressly designated as one of the following based on biological sex:

(1) Males, men, or boys;

(2) Females, women, or girls; or

(3) Coed or mixed.

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **4. Before the beginning of each school year, a parent of a student who competes**
18 **on an athletic team of a public school or private school and is seventeen years of age or**
19 **younger shall sign an affidavit acknowledging the biological sex of such student at birth.**
20 **If a student who competes on an athletic team of a public school or private school is**
21 **eighteen years of age or older, such student shall sign an affidavit acknowledging such**
22 **student's biological sex at birth. If there is any change in the status of the biological sex**
23 **of the student, the affiant shall notify the public school or private school within thirty**
24 **days of such change.**

25 **5. (1) Athletic teams designated for females, women, or girls shall not be open to**
26 **students of the male sex.**

27 **(2) Any student who is deprived of an athletic opportunity or suffers any direct**
28 **or indirect harm as a result of a violation of subdivision (1) of this subsection shall have**
29 **a cause of action for injunctive relief, damages, and any other relief permitted by law**
30 **against the public school or private school causing such deprivation or harm.**

31 **(3) Any student who is subject to retaliation or other adverse action by a public**
32 **school, private school, or school organization as a result of reporting a violation of**
33 **subdivision (1) of this subsection to an employee or representative of such public school,**
34 **private school, or school organization or to any state or federal agency with oversight of**
35 **public schools in this state shall have a cause of action for injunctive relief, damages, and**
36 **any other relief permitted by law against such public school, private school, or school**
37 **organization.**

38 **6. (1) Neither the state board of education nor a school organization shall**
39 **entertain a complaint, open an investigation, or take any other adverse action against a**
40 **public school or private school for maintaining athletic teams or sports for students of**
41 **the female sex as provided in subsection 5 of this section.**

42 **(2) Any public school or private school that suffers any direct or indirect harm**
43 **as a result of a violation of subdivision (1) of this subsection shall have a cause of action**
44 **for injunctive relief, damages, and any other relief permitted by law against such state**
45 **board of education or school organization.**

46 **7. Causes of action authorized by this section shall be initiated within two years**
47 **after such harm occurred. A party that prevails on a claim brought under this section**
48 **shall be entitled to monetary damages for the following:**

49 **(1) Any psychological, emotional, and physical harm suffered;**

50 **(2) Reasonable attorney's fees and costs; and**

51 **(3) Any other appropriate relief permitted by law.**

173.088. 1. As used in this section, the following terms mean:

2 **(1) "Athletic conference", an entity that has athletics governance authority, is a**
3 **member of an athletic association, and has a membership composed of postsecondary**
4 **educational institutions that compete against other postsecondary educational**
5 **institutions. The term includes, but is not limited to, a collaboration of such entities,**
6 **such as the autonomy conferences;**

7 **(2) "Intercollegiate association", a national association with athletics governance**
8 **authority that is composed of postsecondary educational institutions and athletic**
9 **conferences, that sets eligibility requirements for participation in sports at the collegiate**
10 **level, and that provides the coordination, supervision, and regulation of the**
11 **intercollegiate competitions;**

12 **(3) "Parent", a parent, guardian, custodian, or other person with authority to**
13 **act on behalf of a student;**

14 **(4) "Postsecondary educational institution", any campus of a public or private**
15 **institution of higher education in this state that is subject to the coordinating board for**
16 **higher education under section 173.005.**

17 **2. Intercollegiate or intramural athletic teams that are sponsored by a**
18 **postsecondary educational institution shall be expressly designated as one of the**
19 **following based on biological sex:**

20 **(1) Males, men, or boys;**

21 **(2) Females, women, or girls; or**

22 **(3) Coed or mixed.**

23 **3. Before the beginning of each academic year, a parent of a student who**
24 **competes on an athletic team of a postsecondary educational institution and is seventeen**
25 **years of age or younger shall sign an affidavit acknowledging the biological sex of such**
26 **student at birth. If a student who competes on an athletic team of a postsecondary**
27 **educational institution is eighteen years of age or older, such student shall sign an**
28 **affidavit acknowledging such student's biological sex at birth. If there is any change in**
29 **the status of the biological sex of the student, the affiant shall notify the postsecondary**
30 **educational institution within thirty days of such change.**

31 **4. (1) Athletic teams designated for females, women, or girls shall not be open to**
32 **students of the male sex.**

33 **(2) Any student who is deprived of an athletic opportunity or suffers any direct**
34 **or indirect harm as a result of a violation of subdivision (1) of this subsection shall have**
35 **a cause of action for injunctive relief, damages, and any other relief permitted by law**
36 **against such postsecondary educational institution causing such deprivation or harm.**

37 **(3) Any student who is subject to retaliation or other adverse action by a**
38 **postsecondary educational institution, athletic conference, or intercollegiate association**

39 as a result of reporting a violation of subdivision (1) of this subsection to an employee or
40 representative of such postsecondary educational institution, athletic conference, or
41 intercollegiate association or to any state or federal agency with oversight of
42 postsecondary educational institutions in this state shall have a cause of action for
43 injunctive relief, damages, and any other relief permitted by law against such
44 postsecondary educational institution, athletic conference, or intercollegiate association.

45 **5. (1) Neither the coordinating board for higher education nor any athletic**
46 **conference or intercollegiate association of which a postsecondary educational**
47 **institution is a member shall entertain a complaint, open an investigation, or take any**
48 **other adverse action against a such postsecondary educational institution for**
49 **maintaining athletic teams or sports for students of the female sex as provided in**
50 **subsection 5 of this section.**

51 **(2) Any postsecondary educational institution that suffers any direct or indirect**
52 **harm as a result of a violation of subdivision (1) of this subsection shall have a cause of**
53 **action for injunctive relief, damages, and any other relief permitted by law against such**
54 **coordinating board for higher education, athletic conference, or intercollegiate**
55 **association.**

56 **6. Causes of action authorized by this section shall be initiated within two years**
57 **after such harm occurred. A party that prevails on a claim brought under this section**
58 **shall be entitled to monetary damages for the following:**

59 **(1) Any psychological, emotional, and physical harm suffered;**

60 **(2) Reasonable attorney's fees and costs; and**

61 **(3) Any other appropriate relief permitted by law.**

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