

HCS HB 183 -- STUDENT ATHLETES (Burger)

COMMITTEE OF ORIGIN: Standing Committee on General Laws

This bill establishes the "Save Women's Sports Act".

This bill defines "sex" as the two main categories of male and female into which individuals are divided based on an individual's reproductive biology at birth and the individual's genome.

The bill prohibits public school districts and charter schools from allowing students grade six to 12 and public and private postsecondary educational institutions from allowing any student to compete in an athletics competition designated for the opposite sex, as determined by the student's official birth certificate, or if unobtainable, another government record. However, a female student may be allowed to compete in an athletics competition designated for male students if there is no such athletics competition for female students offered. The bill clarifies that biological sex is only correctly stated on birth certificates if it was entered at or near the time of birth or modified to correct scrivener's error.

No public school shall be a member of any statewide athletic organization, and a public school shall not compete in athletic events with a private or parochial school, that does not have a policy that is substantially similar to the provisions of this bill. No postsecondary educational institution shall allow a student to compete in an athletics competition of any intercollegiate association that does not have a policy that is substantially similar to the provisions of this bill.

In each school year a school district, charter school, or private school violates the provisions of this bill, the Department of Elementary and Secondary Education shall withhold a percentage of any monthly distribution of state formula funding and any other revenues from the state that are distributed, as described in the bill.

In each fiscal year a public postsecondary educational institution violates the provision of the bill, that institution shall remit a fine in an amount of the postsecondary institution's current fiscal year state operating appropriation, as described in the bill. In each fiscal year a private postsecondary educational institution violates the provision of the bill, that institution shall be fined up to \$1 million as determined by the Coordinating Board of Higher Education.

This bill does not permit an individual to bring a claim against a postsecondary education institution or the institution's employees, directors, officers, or agents relating to the institution complying with or implementation of the provisions of this bill. No postsecondary education institution or the institution's employees, directors, officers, or agents shall be civilly liable for acts relating to the compliance with or implementation of the provisions of this bill.

Any individual suffering harm arising from the violation of the provisions of this bill by a postsecondary education institution shall have a private cause of action against such institution, to be brought within two years.