

MODEL LEGISLATION

An Act to Protect Equal Athletic Opportunities for Women and Girls

Section 1: Name.

This statute shall be known as the Equal Athletic Opportunities Act.

Section 2: Definitions.

- A. For purposes of this Act:
- a. A “**woman**” is an adult human of the female sex, and a “**man**” is an adult human of the male sex;
 - b. A “**girl**” is a human female who is a legal minor under the laws of {STATE}, and a “**boy**” is a human male who is a legal minor under the laws of {STATE} –provided that the use of the term “girl” or “boy” in reference to the participation of a high-school-aged individual in a school or extracurricular program shall not be understood to exclude the participation of a student who is legally an adult;
 - c. A “**female**,” when this term is used in reference to a natural person, is an individual who naturally has, had, will have through the course of normal development, or would have but for a developmental anomaly, genetic anomaly, or accident the reproductive system that at some point produces ova;
 - d. A “**male**,” when this term is used in reference to a natural person, is an individual who naturally has, had, will have through the course of normal development, or would have but for a developmental anomaly, genetic anomaly, or accident the reproductive system that at some point produces sperm;
 - e. “**Sex**,” when this term is used to classify or describe a natural person, means the state of being either male or female as observed or clinically verified at birth. There are only two sexes, and every individual is either male or female. Individuals with congenital and medically verifiable “DSD conditions” (sometimes referred to as “differences in sex development,” “disorders in sex development,” or “intersex conditions”) are not members of a third sex and must be accommodated consistent with state and federal law. “Sex” does not include “gender identity” or any other term intended to convey a person’s subjective sense of self; “gender identity” and other subjective terms are not synonyms or substitutes for “sex.”
 - f. **Athletic event** includes any competition, contest, game, jamboree, scrimmage, tournament, showcase, combine, or tryout related to a sport or physical activity.

- g. **Athletic club** refers to any privately or publicly operated organization that operates sports teams, trains athletes for competition, or allows athletes or athletic teams to use its facilities on a regular basis.
- h. **Athletic association** refers to any governing body for athletic competition or sport or any organization of athletic conferences.
- i. **Compete** means to take part in a contest, game, jamboree, tournament, showcase, combine, tryout, or other event after which team(s) or any individual(s) are designated as winners, roster spots are determined, or prizes awarded.
- j. **Team** means any group of people that participate in athletic or physical competitions for the same organization, school, club, college, university, or cause.

Section 3: Equal athletic opportunities in education.

Any accredited school, school district, or institution of higher education that offers, operates, or sponsors interscholastic or intercollegiate athletics shall provide equal athletic opportunities for both sexes.

Section 4: Separate athletic opportunities.

Notwithstanding the requirements of Section 3, a school, school district, institution of higher education, or private athletic club located within [INSERT STATE] may operate or sponsor single-sex teams where selection for such teams is based upon competitive skill or the activity involved is a contact sport.

Section 5: Designation of athletic opportunities.

- A. All public and private schools, school districts, institutions of higher education, and athletic clubs that participate in athletic competitions or events with or against other schools or clubs must designate each athletic team, sport, athletic competition, or athletic event as a:
 - a. team, sport, competition, or event for males, men, or boys;
 - b. team, sport, competition, or event for females, women, or girls; or
 - c. a co-educational or mixed team, sport, competition, or event.
- B. An individual who competes in any sport, athletic competition, or athletic event designated for females, women, or girls must be female. The sex listed on a participant's birth certificate may be relied on to establish the participant's eligibility under this section if the sex designated on the birth certificate was designated at or near the time of the participant's birth.

Section 6: Protecting women's athletic opportunities.

No school, school district, athletic club, athletic association, or institution of higher education that operates, sponsors, or permits athletic competitions or events may

allow any male to compete for, against, or with a team designated for females, women, or girls to compete in any event designated for females, women, or girls.

Section 7: Permitting male practice players.

Nothing in this Act shall prohibit a school, school district, athletic club, athletic association, or institution of higher education from allowing male athletes to participate as practice players on teams designated for females, women, or girls, so long as no such player takes a roster spot, opportunity to compete, scholarship, or spot at the school from any female.

Section 8: Compliance protected.

No governmental entity, licensing or accrediting organization, athletic association, or school district may consider a complaint, open an investigation, or take adverse action against a school or school district for complying with this law.

Section 9: Liability.

- A. Any individual who is deprived of an athletic opportunity or who suffers or who will suffer direct or indirect harm resulting from a violation of this statute may bring a private cause of action for injunctive relief, compensatory damages, and legal fees, against the violating entity.
- B. Any school, school district, athletic association, or athletic club that suffers or will suffer direct or indirect harm as a result of a violation of this statute may bring a private cause of action against the violating entity for injunctive relief and compensatory damages.
- C. Any individual, athletic team, or athletic club subjected to retaliation or other adverse action as a result of reporting a violation of this statute to an employee or representative of a school, school district, athletic association, or athletic club, or subjected to retaliation or other adverse action as a result of reporting a violation of this statute to a state or federal government entity with oversight authority, may bring a private cause of action against the retaliating entity for injunctive relief, damages, and any other relief available under law.
- D. An action brought under this section must be commenced within two years of the event giving rise to the complaint.

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