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LEGISLATIVE ACTION

Senate

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House

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Senator Farmer moved the following:

1           **Senate Amendment to House Amendment (649221) to Senate**  
2 **Amendment (with title amendment)**

3  
4           Delete lines 24 - 57

5 and insert:

6 athletic teams or sports that are sponsored by a public high  
7 school, a public postsecondary institution, or any high school  
8 or institution whose students or teams compete against a public  
9 high school or public postsecondary institution shall be  
10 expressly designated as one of the following based on biological  
11 sex:



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12 1. Males, men, or boys;

13 2. Females, women, or girls; or

14 3. Coed or mixed.

15 (b) Athletic teams or sports designated for females, women,  
16 or girls may not be open to students of the male sex.

17 (c) A dispute regarding a student's sex shall be resolved  
18 by the student's school or institution by requesting that the  
19 student provide a health examination and consent form or other  
20 statement signed by the student's personal health care provider  
21 which must verify the student's biological sex. The health care  
22 provider may verify the student's biological sex as part of a  
23 routine sports physical examination by relying only on one or  
24 more of the following:

25 1. The student's reproductive anatomy;

26 2. The student's genetic makeup; or

27 3. The student's normal endogenously produced testosterone  
28 levels.

29 (d) The State Board of Education shall adopt rules  
30 regarding the receipt and timely resolution of disputes by  
31 schools and institutions consistent with this subsection.

32 (4) PROTECTION FOR EDUCATIONAL INSTITUTIONS.—A governmental  
33 entity, any licensing or accrediting organization, or any  
34 athletic association or organization may not entertain a  
35 complaint, open an investigation, or take any other adverse  
36 action against any high school or public postsecondary  
37 institution for maintaining separate interscholastic,  
38 intercollegiate, intramural, or club athletic teams or sports  
39 for students of the female sex.

40 (5) CAUSE OF ACTION; CIVIL REMEDIES.—



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41 (a) Any student who is deprived of an athletic opportunity  
42 or suffers any direct or indirect harm as a result of a  
43 violation of this section shall have a private cause of action  
44 for injunctive relief, damages, and any other relief available  
45 under law against the high school or public postsecondary  
46 institution.

47 (b) Any student who is subject to retaliation or other  
48 adverse action by a high school, public postsecondary  
49 institution, or athletic association or organization as a result  
50 of reporting a violation of this section to an employee or  
51 representative of the high school, institution, or athletic  
52 association or organization, or to any state or federal agency  
53 with oversight of high schools or public postsecondary  
54 institutions in the state, shall have a private cause of action  
55 for injunctive relief, damages, and any other relief available  
56 under law against the high school, institution, or athletic  
57 association or organization.

58 (c) Any high school or public postsecondary institution  
59 that

60  
61 ===== T I T L E A M E N D M E N T =====

62 And the title is amended as follows:

63 Delete lines 79 - 83

64 and insert:

65 biological sex; prohibiting athletic teams or sports  
66 designated for female students from being open to male  
67 students; providing for dispute resolution; providing  
68 immunity for educational institutions under certain  
69 circumstances; providing civil remedies for students



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70

and