

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Smith, C. offered the following:

Amendment

Remove lines 44-95 and insert:

athletic teams or sports that are sponsored by a public high school, a public postsecondary institution, or any high school or institution whose students or teams compete against a public high school or public postsecondary institution 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.

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

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

- 24 1. The student's reproductive anatomy;
25 2. The student's genetic makeup; or
26 3. The student's normal endogenously produced testosterone
27 levels.

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

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

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39 (5) CAUSE OF ACTION; CIVIL REMEDIES.-

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

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

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

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