

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Driskell offered the following:

Amendment

Remove lines 44-95 and insert:

athletic teams or sports that are sponsored by a public, middle or high school, a public postsecondary institution, or any school or institution whose students or teams compete against a public middle or 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 middle or high school or institution by
18 requesting that the student provide a health examination and
19 consent form or other statement signed by the student's personal
20 health care provider which must verify the student's biological
21 sex. The health care provider may verify the student's
22 biological sex as part of a routine sports physical examination
23 by relying only on one or 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 middle or high schools and institutions consistent with this
31 subsection.

32 (4) PROTECTION FOR EDUCATIONAL INSTITUTIONS.—A
33 governmental entity, any licensing or accrediting organization,
34 or any athletic association or organization may not entertain a
35 complaint, open an investigation, or take any other adverse
36 action against any middle or high school or public postsecondary
37 institution for maintaining separate interscholastic,

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38 intercollegiate, intramural, or club athletic teams or sports
39 for students of the female sex.

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

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 middle or high school or public
46 postsecondary institution.

47 (b) Any student who is subject to retaliation or other
48 adverse action by a middle or 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 school, institution, or athletic
52 association or organization, or to any state or federal agency
53 with oversight of such 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 school, institution, or athletic
57 association or organization.

58 (c) Any middle or high school or public postsecondary

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