

## SENATE SUMMARY OF HOUSE AMENDMENTS

SB 44

2022 Regular Session

Mizell

**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

AMUSEMENTS/SPORTS. Provides for the Fairness in Womens Sports Act relative to a school's ability to offer equal opportunities to each student to participate in team sporting events on an equal basis. (8/1/22)

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. Removes intramural athletic teams or intramural sports from proposed law.
2. Adds specific statement that proposed law is not to be construed to apply to an intramural athletic team or intramural sport.

**DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**

## DIGEST

SB 44 Engrossed

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Proposed law, the "Fairness in Womens Sports Act", requires an athletic team or sporting event sponsored by an elementary, secondary, or postsecondary educational institution to be designated, based upon the biological sex of team members, as only one of the following:

- (1) A males, boys, or mens team or event only for students who are biological males.
- (2) A females, girls, or womens team or event only for students who are biological females.
- (3) A coeducational or mixed team or event for students who are biological males or biological females.

Proposed law provides for definitions. Proposed law provides that "biological sex" means a statement of a student's biological sex on the student's official birth certificate which is entered at or near the time of the student's birth.

Proposed law prohibits a team designated for females, girls, or women from being open to students who are not biologically female.

Proposed law provides that nothing in proposed law will be construed to restrict the eligibility of any student to participate in any intercollegiate or interscholastic athletic teams or sports designated as "males", "men", or "boys" or designated as "coed" or "mixed".

Proposed law provides that the designation of "female" entered on the student's official birth certificate at or near the time of the student's birth creates a legal presumption that the student's biological sex is female.

Proposed law provides that nothing in proposed law is intended to prevent any school from implementing or maintaining a coed athletic team or sporting event which is open to both biological males and biological females so long as a female athletic team or sporting event is not disbanded for the purpose of creating a coed team or event which would thereby result to the detriment of biological female students.

Proposed law shall not to be construed to apply to an intramural athletic team or intramural sport.

Proposed law prohibits any governmental entity, licensing or accrediting organization, or athletic association from entertaining a complaint, opening an investigation, or taking any other adverse action against a school, school board, or postsecondary education management board for maintaining separate teams for females and males as provided by proposed law.

Proposed law provides that no cause of action may be maintained against any school, school board, school coach, school employee, school board member, postsecondary education management board, or postsecondary education board member that prohibits a biological male from participating in a female, girls, or womens athletic team or sporting event pursuant to the requirements of proposed law.

Proposed law provides that certain persons are entitled to legal causes of action and legal remedies under proposed law as follows:

- (1) A biological female student who is deprived of an athletic opportunity or suffers or is likely to suffer from any direct or indirect harm as a result of a violation of proposed law. Proposed law provides that requiring a biological female to compete against a biological male on a team that is designated as a "female", "girls", or "womens" team is inherently discriminatory to biological females and is a cognizable harm under proposed law.
- (2) Any biological female student who is subjected to retaliation or other adverse action by a school, athletic association, or other organization as a result of reporting a violation of proposed law to an employee or representative of the school, athletic association, or to any local, state, or federal agency with oversight of schools.
- (3) Any school, school coach, school employee, school board, school board employee, school board member, postsecondary education board, or postsecondary education board member that suffers any direct or indirect harm for prohibiting a biological male from participating in a female, girls, or womens athletic team or sporting event.

Proposed law provides that any person who is entitled to bring a cause of action pursuant to proposed law may obtain the following relief:

- (1) A court ordered injunction, a protective order, a writ of mandamus or prohibition, or a declaratory judgment to prevent any violation of proposed law.
- (2) Actual damages suffered, reasonable attorney fees, and costs.

Proposed law provides that any civil action pursuant to proposed law must be initiated within two years from the date that the harm occurred.

Effective August 1, 2022.

(Adds R.S. 4:441-446)

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