The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST 2022 Regular Session

Mizell

<u>Proposed law</u>, the "Fairness in Women's 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 men's team or event only for students who are biological males.

SB 44 Original

- (2) A females', girls', or women's 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.

<u>Proposed law</u> provides for definitions. <u>Proposed law</u> 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.

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

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

<u>Proposed law</u> 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.

<u>Proposed law</u> provides that nothing in <u>proposed law</u> 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.

<u>Proposed law</u> 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.

<u>Proposed law</u> 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 women's athletic team or sporting event pursuant to the requirements of <u>proposed</u> law.

<u>Proposed law</u> 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 <u>proposed law</u>. <u>Proposed law</u> provides that requiring a biological female to compete against a biological male on a team that is designated as a "female", "girls", or "women's" team is inherently discriminatory to biological females and is a cognizable harm under <u>proposed law</u>.
- 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 women's athletic team or sporting event.

<u>Proposed law</u> provides that any person who is entitled to bring a cause of action pursuant to <u>proposed</u> 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 <u>proposed law</u>.
- (2) Actual damages suffered, reasonable attorney fees, and costs.

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

<u>Proposed law</u> provides for legislative findings.

Effective August 1, 2022.

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