

Senate Bill 1

By: Senators Dolezal of the 27th, Kennedy of the 18th, Gooch of the 51st, Beach of the 21st, Robertson of the 29th and others

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to
2 enact the "Riley Gaines Act of 2025"; to provide generally for competitively fair and safe
3 student participation in school and college sports; to provide for legislative findings and
4 intent; to promote fair and safe competition; to provide for equal athletic opportunities and
5 safety; to provide for specific designations of teams operated or sponsored by local school
6 systems, public schools, participating private schools, and postsecondary educational
7 institutions in this state; to prohibit males from participating in interscholastic and
8 intercollegiate competitions on teams designated as female; to prohibit females from
9 participating in competition on intercollegiate teams designated as male, subject to
10 exceptions; to provide for such exceptions; to provide for interscholastic coed team
11 designations; to provide for the use of student eligibility rules, standards, and classifications;
12 to provide for exceptions to general provisions; to require multiple occupancy restrooms and
13 changing areas and sleeping quarters to be designated for exclusive use by males or females;
14 to provide for reasonable accommodations; to provide for exceptions; to prohibit
15 postsecondary educational institutions that are covered entities from hosting or sponsoring
16 intercollegiate competitions that allow males to participate with teams designated as female
17 or use multiple occupancy restrooms or changing areas and sleeping quarters designated for
18 use by females; to prohibit such covered entities from awarding to males scholarships

S. B. 1

- 1 -

intended for female team members; to provide for policies, rules, and regulations; to provide for investigation of complaints of noncompliance; to provide for sanctions; to provide for a cause of action; to provide for definitions; to provide for statutory construction; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Riley Gaines Act of 2025."

SECTION 2.

(a) The General Assembly finds that:

- (1) There are inherent physical differences between males and females;
- (2) Decisions regarding the regulation of sports should be based on promoting and preserving competitive fairness and protecting student safety;
- (3) Protecting student athletes from harm and promoting and preserving the competitive fairness of sports are important state interests; and
- (4) Requiring the designation of separate, sex-specific athletic teams and sports is necessary to protect student athletes from harm and to promote and preserve the competitive fairness of sports.

(b) It is the intent of the General Assembly that:

- (1) Student athletes have competitively fair and safe opportunities to participate and succeed in sports; and
- (2) Female student athletes have fair opportunities to demonstrate their strength, skills, and athletic abilities and to obtain recognition, accolades, college scholarships, and the numerous other long-term benefits that result from participating and competing in sports.

SECTION 3.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in Part 14 of Article 6 of Chapter 2, relating to other educational programs under the "Quality Basic Education Act," by revising Code Section 20-2-315, relating to gender discrimination prohibited, authorized separate gender teams, equal athletic opportunity, physical education classes, employee designated to monitor compliance, grievance procedures, and reporting requirements, as follows:

"20-2-315.

(a) This Code section shall be known and may be cited as the 'Riley Gaines Act.'

(b) As used in this Code section, the term:

(1) 'Coed' means the inclusion of both males and females.

(2) 'Compete,' 'competitive,' or 'competition' means a contest, game, match, tournament, or jamboree of teams in a sport. Such term shall not include practices, exhibitions, or scrimmages.

(3) 'Contact sport' means a sport the purpose or a substantial component of which involves bodily contact. Such term includes, but shall not be limited to, basketball, boxing, football, ice hockey, lacrosse, martial arts, soccer, softball, rugby, volleyball, and wrestling.

(4) 'Covered entity' means local school systems, public schools, and participating private schools.

(5) 'Female' means an individual who has, had, will have, or, but for a developmental or genetic anomaly or historical accident, would have the reproductive system capable of producing human ovum.

(6) 'Male' means an individual who has, had, will have, or, but for a developmental or genetic anomaly or historical accident, would have the reproductive system capable of producing human sperm.

(7) 'Multiple occupancy restroom or changing area' means an area in a covered entity's building that is designed or designated to be used by one or more individuals of the same sex at the same time and in which one or more individuals may be in various stages of undress in the presence of other individuals. Such term includes, but shall not be limited to:

(A) Restrooms;

(B) Locker rooms;

(C) Changing rooms; and

(D) Shower rooms.

(8) 'Participating private school' means a private school in this state which operates or sponsors one or more teams that compete against one or more teams operated or sponsored by a local school system or public school in this state or that participate in competitions that are organized, sanctioned, or scheduled by an athletic association with members that include public schools.

(9) 'Sex' means an individual's biological sex, either male or female. An individual's sex can be observed or clinically verified at or before birth and in no case is an individual's sex determined by stipulation or self-identification.

(10) 'Sleeping quarters' means a room or other limited access designated space within a building or facility, such as a limited access designated space within a gymnasium, cafeteria, or auditorium or other performance space, in which more than one individual is housed overnight.

(11) 'Sport' means an organized activity involving skill and physical effort undertaken by one or more teams according to established rules. Such term includes each such organized activity regardless of whether it is designated as a sport, an activity, or another similar designation by an athletic association that meets the requirements of Code Sections 20-2-316 through 20-2-316.3, 20-2-319, and 20-2-319.6.

(12) 'Student athlete' means a student enrolled at a covered entity who participates or is eligible to participate on any sport or team. A student who is permanently ineligible to participate on a particular sport or team is not a student athlete for the purposes of such sport or team.

(13) 'Team' means a single student or a group of students operated and sponsored by a covered entity for the purpose of participating in a sport.

~~(a)(c)(1) No student shall, on the basis of sex gender, be excluded from participation in, be denied the benefits of, be treated differently from another student, or otherwise be discriminated against in any interscholastic or intramural athletics offered sport operated or sponsored by a local school system or a public school, and no local school system shall provide any such athletics separately on such basis.~~

~~(b)(2) A Notwithstanding the requirements of subsection (a) of this Code section, a local school system or public school shall be authorized to may operate or sponsor separate teams for members of each gender sex where selection for such teams is based upon competitive skill, competitive fairness, student safety, or the activity sport involved is a contact sport. However, where a local school system operates or sponsors a team in a particular sport for members of one gender but operates or sponsors no such team for members of the other gender, and athletic opportunities for members of that gender in that particular sport have previously been limited, members of the excluded gender must be allowed to try out for the team offered unless the sport involved is a contact sport. Nothing in this subsection shall be construed to limit the authority of a local school system to operate or sponsor a single team for a contact sport that includes members of both genders. As used in this subsection, the term 'contact sport' includes boxing, wrestling, rugby, ice hockey, football, basketball, and any other sport the purpose or major activity of which involves bodily contact.~~

(d)(1) For all interscholastic competitions, each covered entity shall designate each team operated or sponsored by such covered entity as one of the following:

(A) Male;

(B) Female; or

(C) Coed.

(2) Males shall not be allowed to participate in any interscholastic competition on any team that is designated as female.

(3) Females shall not be allowed to participate in any interscholastic competition on any team that is designated as male; provided, however, that females may be allowed to participate in an interscholastic competition on a team that is designated as male if a corresponding team designated for females is not offered or available for interscholastic competitions.

(4) Any student shall be allowed to participate in any interscholastic competition on a team that is designated as coed.

(5) Nothing in this subsection shall be construed to prohibit males from participating in practices, exhibitions, or scrimmages with teams designated as female.

(6) Nothing in this subsection shall be construed to authorize a covered entity or an athletic association, as such term is defined in Code Section 20-2-316, to verify or confirm a student's sex through visual inspection of such student's external sex organs for purposes of participation in competitions; provided, however, that this paragraph shall not prohibit reliance on medical records or other standard school medical procedures to verify or confirm a student's sex.

~~(c)~~(e)(1) A local school system or public school which operates or sponsors interscholastic or intramural ~~athletics~~ teams shall undertake all reasonable efforts to provide equal athletic opportunity for members of both ~~genders~~ sexes. In determining whether equal opportunities are available, the following factors shall be considered:

~~(1)~~(A) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both ~~genders~~ sexes;

~~(2)~~(B) The provision of equipment and supplies;

(3)(C) Scheduling of games and practice time;

(4)(D) Travel allowance;

(5)(E) Opportunity to receive coaching and academic tutoring;

(6)(F) Assignment and compensation of coaches and tutors;

(7)(G) Provision of ~~locker rooms~~ multiple occupancy restroom or changing areas and practice and competitive facilities;

(8)(H) Provision of medical and training facilities and services; and

(9)(I) Publicity.

(2) Unequal aggregate expenditures for members of each gender sex or unequal expenditures for male and female teams if a local school system or public school operates or sponsors separate teams ~~with~~ shall not constitute noncompliance with this subsection; ~~but, provided, however, that~~ the failure to provide essential funds for the basic operations of teams for one gender sex may be considered in assessing equality of opportunity for members of each gender sex.

(3) Nothing in Code Section 20-2-411 shall be construed to limit the authority of a local school system or public school to expend school tax funds as authorized by Article VIII, Section VI, Paragraph I(b) of the Constitution in order to comply with the requirements of this Code section.

~~(d)(f)(1) Each covered entity shall A local school system may provide separate toilet, locker room, and shower facilities~~ multiple occupancy restrooms or changing areas and sleeping quarters on the basis of gender, but sex, and such facilities shall be comparable to such facilities provided for students of the other gender sex.

(2)(A) No covered entity shall operate or sponsor one or more teams in any interscholastic competition involving a local school system or public school that permits a male to use any multiple occupancy restroom or changing area or sleeping quarters designated for females in conjunction with such competition.

(B) No covered entity shall operate or sponsor one or more teams in any interscholastic competition involving a local school system or public school that permits a female to use any multiple occupancy restroom or changing area or sleeping quarters designated for males in conjunction with such competition.

(3)(A) To ensure the privacy and safety of student athletes, each covered entity that operates or sponsors one or more teams in any interscholastic competition involving a local school system or public school shall, in conjunction with such competition:

(i) Designate each multiple occupancy restroom or changing area and sleeping quarters for exclusive use by males or for exclusive use by females; and

(ii) Provide a reasonable accommodation to individuals who are unwilling or unable to use a multiple occupancy restroom or changing area or sleeping quarters designated for each such individual's sex.

(B) A reasonable accommodation under this paragraph may include, but shall not be limited to, allowing such individual to access a single occupancy restroom or changing area or sleeping quarters.

(C) A reasonable accommodation under this paragraph shall not include allowing such individual to access a multiple or single occupancy restroom or changing area or sleeping quarters that is designated for use by members of the other sex while members of the other sex of the individual are present or may be present in such restroom or changing area or sleeping quarters.

(4) Nothing in this subsection shall be construed or applied to prohibit an individual from entering a multiple occupancy restroom or changing area designated for use by individuals of the opposite sex when he or she enters such area for one of the following reasons:

(A) For authorized custodial, maintenance, or inspection purposes;

(B) To render emergency medical assistance;

(C) To address an ongoing emergency, including, but not limited to, a physical altercation;

(D) A minor child is accompanied by his or her parent or legal guardian who deems such entry necessary for the child's safety, welfare, or assistance; or

(E) The performance of official duties and responsibilities as authorized coaches and trainers for purposes directly related to a competition or other official activity of a team, including practice.

(5)(A) Except as provided in subparagraph (B) of this paragraph, a covered entity that sponsors or supervises an overnight trip in conjunction with a competition involving public school students shall ensure that each public school student attending such overnight trip either:

(i) Shares sleeping quarters with a member or, if necessary, multiple members, of the same sex; or

(ii) Is provided single-occupancy sleeping quarters.

(B) A public school student attending an overnight trip in conjunction with a competition may share sleeping quarters with a member of the opposite sex if the member of the opposite sex is a member of such student's immediate family.

~~(e)~~(g) This Code section ~~does~~ shall not prohibit the grouping of students in physical education classes by ~~gender~~ sex.

~~(f)~~(h)(1) Subject to the provisions of paragraph (3) of this subsection, if a local school system or public school sponsors ~~an athletic activity or a sport~~ at a particular school that is similar to a sport for which an institution in the University System of Georgia offers an athletic scholarship, it ~~must~~ shall sponsor the ~~athletic activity or sport~~ for which a scholarship is offered at that school. This paragraph ~~does~~ shall not affect academic requirements for participation nor prevent the local school system or public school from sponsoring activities in addition to those for which scholarships are provided.

(2) Two ~~athletic activities or sports~~ that are similar may be offered simultaneously.

(3) If a local school system or public school demonstrates by a bona fide survey of eligible students at the school, which is approved by the Department of Education for compliance with generally accepted opinion survey principles regarding neutral wording and other matters, that there is insufficient interest among students at the school to field a team described in paragraph (1) of this subsection, then the local school system or public school shall not be required to sponsor such ~~athletic activity~~ or sport at that school. The exemption provided for by this paragraph shall be valid for 24 months following the date when the most recent bona fide student survey demonstrating a lack of student interest was completed, unless a new bona fide student survey is conducted within the 24 month period that demonstrates sufficient interest to field a team. If such a new bona fide student survey demonstrates such sufficient interest, then the local school system or public school shall must comply with paragraph (1) of this subsection during the ~~local school system's~~ next fiscal school year and until such time as a new bona fide student survey demonstrates insufficient interest to field a team described in paragraph (1) of this subsection. A local school system or public school shall conduct the bona fide student survey described in this paragraph regarding interest in a team described in paragraph (1) of this subsection upon the request of nine students at the school, but no more frequently than once every 12 months.

(4) Nothing in this subsection shall be construed to preclude the application of generally applicable policies or rules regarding the cancellation of ~~an athletic activity or a sport~~ due to lack of student participation in scheduled practices or ~~contests~~ competitions.

~~(g)~~(i) Each ~~local school system~~ covered entity shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this Code section, including the investigation of any complaint communicated to such ~~local school system~~ covered entity alleging its noncompliance with this Code section. The employee designated under this subsection may be the same ~~person~~ individual required to be designated under 34 C.F.R. Section 106.8, as it existed on June 30, 2024. Each covered

~~entity~~ ~~The local school system annually~~ shall annually notify all its students of the name, office address, and office telephone number of the employee or employees appointed pursuant to this subsection. Such notification may be included in a student ~~handbook~~ code of conduct distributed pursuant to Code Section 20-2-736.

~~(h)~~(j) Each local ~~school system~~ covered entity shall adopt and publish grievance procedures providing for prompt and equitable resolution of written student complaints, including complaints brought by a parent or guardian on behalf of his or her minor child who is a student, alleging any action which would be a violation of this Code section. Such procedures shall require that:

(1)(A) Except as provided in subparagraph (B) of this paragraph, ~~the~~ The employee designated under subsection ~~(g)~~ (i) of this Code section shall render his or her decision in writing no later than 30 days after receipt of the complaint, and such decision shall set forth the essential facts and rationale for the decision;

(B)(i) A student who is aggrieved by an alleged violation or anticipated violation of this Code section or his or her parent or guardian shall have a right to file a complaint with the employee designated in subsection (i) of this Code section with a request for an expedited preliminary determination as to whether a violation of this Code section exists or is about to occur.

(ii) If an alleged violation or anticipated violation of this Code section is preliminarily determined by the employee designated in subsection (i) of this Code section to have occurred or is reasonably likely to occur, such designated employee shall issue a preliminary decision immediately and shall be authorized to direct in writing that the alleged violation or anticipated violation cease and desist pending a final resolution of such complaint.

(iii) If a complaint with a request for an expedited preliminary determination brought pursuant to this subparagraph is rejected in whole or in part by the employee designated in subsection (i) of this Code section, such designated employee shall

render his or her decision rejecting such complaint in writing to the complainant, and
such decision shall set forth the essential facts and rationale for the decision;

(2) A copy of such decision shall be provided to the complainant ~~within five days of~~ as soon as practicable but not later than the second business day following the date of the decision; and

(3) A complainant shall have a right to appeal such decision to the local board of education or other public school governing body, in the case of a public school, or the participating private school's governing body, in the case of a participating private school, within 35 days of the date of the decision. A ruling on such appeal shall be rendered in writing in writing no later than 35 days after receipt of the appeal, and such decision shall set forth the essential facts and rationale for the ruling.

~~(i)(k)~~(1) A complainant may appeal a decision ~~of a local board~~ that is rendered under subsection ~~(h)~~ (j) of this Code section in accordance with the procedures specified in Code Section 20-2-1160. If the State Board of Education determines that a local school system or public school has failed to comply with this Code section, then the state board shall provide the local school system or public school with opportunities to prepare a corrective plan. If the state board determines that a corrective plan of the local school system or public school adequately plans and provides for future compliance with this Code section, then the state board shall approve the plan and direct the local school system or public school to implement such plan.

(2) If, upon a complaint filed pursuant to subsection ~~(h)~~ (j) of this Code section after one year following the date of a state board order directing implementation of a corrective plan pursuant to paragraph (1) of this subsection but within four years of the date of such order, the state board determines that the local school system or public school which was subject to such order has willfully failed to comply with this Code section, the state board may, after consideration of the local school system's or public school's efforts to implement the corrective plan approved in the earlier proceeding and of any other

corrective plan that may be submitted by the local school system or public school, transmit a certification of such determination to the Department of Community Affairs. If the state board's determination of noncompliance is later reversed or vacated upon appeal, the state board shall immediately notify the Department of Community Affairs of such action.

(3) If, upon a complaint filed pursuant to subsection ~~(h)~~ (j) of this Code section after one year following the date of a state board certification to the Department of Community Affairs pursuant to paragraph (2) of this subsection but within four years of the date of such order, the state board determines that the local school system or public school which was subject to such order has willfully failed to comply with this Code section, the state board may, after consideration of the local school system's or public school's efforts to implement a corrective plan approved in an earlier proceeding and of any other corrective plan that may be submitted by the local school system or public school, order that a team or teams within the local school system or public school ~~within the local school system~~ shall not participate in interscholastic postseason ~~athletic contests~~ competitions and that participation in violation of such an order may result in withholding of state funds allotted pursuant to Code Section 20-2-186. An order of the state board barring participation in interscholastic postseason ~~athletic contests~~ competitions shall be made and announced before the beginning of a school year.

(4) If, upon a complaint filed pursuant to subsection ~~(h)~~ (j) of this Code section after one year following the date of a state board order prohibiting participation in interscholastic postseason ~~athletic contests~~ competitions pursuant to paragraph (3) of this subsection but within four years of the date of such order, the state board determines that the local school system or public school which was subject to such order has willfully failed to comply with this Code section, the state board may, after consideration of the local school system's or public school's efforts to implement a corrective plan approved in an earlier proceeding and of any other corrective plan that may be submitted by the local school

system or public school, withhold state funds that are allotted pursuant to Code Section 20-2-186 in an amount that the state board determines is sufficient to secure the local school system's or public school's compliance with this Code section. In the event that state funds are withheld pursuant to this paragraph, such funds shall later be allotted to the local school system or public school at such time as the state board determines that the local school system or public school is in compliance with this Code section.

(j)(1) The Department of Education may publish an annual report of local school systems and public schools which may ~~to~~ include information regarding expenditures and participation rates for each ~~gender~~ sex and such other information as the state board and department deem relevant.

(m)(1) In addition to any other rights or remedies otherwise provided by law, any student:

(A) Who is deprived of an athletic opportunity or suffers any harm as a result of a violation of this Code section shall have a private cause of action for injunctive relief, damages, and any other relief available under law. If an aggrieved student or such student's parent or guardian is the prevailing party in such action, such student or such student's parent or guardian shall be entitled to an award of monetary damages, including for any psychological, emotional, or physical harm suffered, reasonable attorney's fees, court costs, and expenses of litigation, and any other appropriate relief;
or

(B) Who is subject to retaliation or other adverse action by a covered entity or a local, state, regional, or national athletic conference or association as a result of reporting a violation of this Code section to an employee or representative such covered entity, athletic association or conference, or to any state or federal agency with oversight over covered entities in this state, shall have a private cause of action for injunctive relief, damages, and any other relief available under law. If an aggrieved student or such student's parent or guardian is the prevailing party in such action, the student or

student's parent or guardian is the prevailing party in such action, such student shall be entitled to an award of monetary damages, including for any psychological, emotional, or physical harm suffered, reasonable attorney's fees, court costs, and expenses of litigation, and any other appropriate relief.

(2) All civil actions brought under this subsection shall be initiated within two years after the alleged harm occurred.

(n) Nothing in this Code section shall be construed to authorize or require a local school system, a public school, or any employee or agent thereof to confirm the sex of a student by visual inspection of such student's exterior sex organs.

(o) Nothing in this Code section shall be construed to abrogate or otherwise affect the operation or application of the federal Individuals with Disabilities Education Act (IDEA), Section 504 of the federal Rehabilitation Act of 1973, or the federal Americans with Disabilities Act of 1990."

SECTION 4.

Said title is further amended in said part by revising paragraph (1) of subsection (b) and subparagraph (c)(1)(E) of Code Section 20-2-316, relating to involvement of athletic association in high school athletics, as follows:

"(1) The athletic association shall comply with the requirements of subsections (a) through ~~(f)~~ (h) of Code Section 20-2-315, as those requirements relate to the athletic association's functions of organizing, sanctioning, scheduling, or rule making for events in which public high schools participate;"

"(E) The authority and duties of the executive oversight committee shall include:

- (i) To meet in person or remotely not less than twice each school year;
- (ii) To meet in person or remotely upon the call of the chairperson or a majority of the executive oversight committee;
- (iii) To establish policies and procedures for the executive oversight committee;

(iv) To conduct any independent audit, review, or investigation the executive oversight committee deems necessary, including, but not limited to, the audit, review, or investigation of the classifications of participating schools and ~~travel-related~~ travel related issues of participating schools; and

~~(v) If the athletic association determines that it is necessary and appropriate to prohibit students whose gender is male from participating in athletic events that are designated for students whose gender is female, then the athletic association may adopt a policy to that effect, provided, however, that such policy shall be applied to all of the athletic association's participating public high schools; and~~

(vi) To conduct an annual evaluation of the athletic association as a whole and present a report of its findings, recommendations, and conclusions to the General Assembly's High School Athletics Overview Committee; and"

SECTION 5.

Said title is further amended in Article 1 of Chapter 3, relating to postsecondary education generally, by designating Code Section 20-3-1, relating to definitions, as Part 1, and by adding a new part to read as follows:

"Part 3

20-3-15.

As used in this part, the term:

(1) 'Competition' means a contest, game, match, tournament, or jamboree of teams in a sport. Such term shall not include practices, exhibitions, or scrimmages.

(2) 'Covered entity' means Georgia state schools and participating nonstate schools.

(3) 'Female' means an individual who has, had, will have, or, but for a developmental or genetic anomaly or historical accident, would have the reproductive system capable of producing human ovum.

(4) 'Georgia state school' means a postsecondary educational institution which is:

(A) An institution of the University System of Georgia; or

(B) A unit of the Technical College System of Georgia.

(5) 'Governing body' means the individual or entity responsible for establishing the policies, rules, and regulations for a covered entity, including, but not limited to, such policies, rules, and regulations for the operation of such covered entity's athletic department, if any, and the operation or sponsorship of such covered entity's intercollegiate competitions, sports, and teams. Such term shall not include any local, state, regional, or national athletic conference or athletic association.

(6) 'Male' means an individual who has, had, will have, or, but for a developmental or genetic anomaly or historical accident, would have the reproductive system capable of producing human sperm.

(7) 'Multiple occupancy restroom or changing area' means an area in a postsecondary educational institution's building that is designed or designated to be used by one or more individuals of the same sex at the same time and in which one or more individuals may be in various stages of undress in the presence of other individuals. Such term includes, but shall not be limited to:

(A) Restrooms;

(B) Locker rooms;

(C) Changing rooms; and

(D) Shower rooms.

(8) 'Participating nonstate school' means a private postsecondary educational institution that is eligible for tuition equalization grants in accordance with the provisions of Code Section 20-3-411 or any other private or public postsecondary educational institution that

is not a Georgia state school whose students or teams participate in intercollegiate competitions against students or teams from a Georgia state school in this state; provided, however, that such term shall apply to such an institution only when and to the extent that such institution is participating in an intercollegiate competition against a Georgia state school in this state; and provided, further, that such term shall not apply to institutions when participating in intercollegiate competitions in this state exclusively against one or more other such institutions.

(9) 'Sex' means an individual's biological sex, either male or female. An individual's sex can be observed or clinically verified at or before birth and in no case is an individual's sex determined by stipulation or self-identification.

(10) 'Sleeping quarters' means a room or other limited access designated space within a building or facility, such as a limited access designated space within a gymnasium, cafeteria, or auditorium or other performance space, in which more than one individual is housed overnight.

(11) 'Sport' means an organized activity involving skill and physical effort undertaken by one or more teams according to established rules.

(12) 'Student athlete' means a student enrolled at a covered entity who participates in or is eligible to participate on any sport or team. A student who is permanently ineligible to participate on a particular sport or team is not a student athlete for the purposes of such sport or team.

(13) 'Team' means a single student or a group of students operated and sponsored by a covered entity for the purpose of participating in a sport.

20-3-16.

(a) Each governing body in this state shall adopt such policies, rules, and regulations as necessary to ensure the following for all intercollegiate competitions involving covered entities in this state:

(1) Each covered entity shall designate each team operated or sponsored by such covered entity as one of the following:

(A) Male; or

(B) Female;

(2)(A) Males shall not be allowed to participate in any intercollegiate competition in this state on any team that is designated as female.

(B) Females shall not be allowed to participate in any intercollegiate competition in this state on any team that is designated as male; provided, however, that females may be allowed to participate in an intercollegiate competition in this state on a team that is designated as male if a corresponding team designated for females is not offered or available for intercollegiate competitions;

(3)(A) Multiple occupancy restrooms or changing areas and sleeping quarters shall be available to student athletes on the basis of sex and such facilities shall be comparable to such facilities provided for students of the other sex.

(B) No covered entity shall operate or sponsor one or more teams in any intercollegiate competition in this state that permits a male to use any multiple occupancy restroom or changing area or sleeping quarters designated for use by females in conjunction with such competition.

(C) No covered entity shall operate or sponsor one or more teams in any intercollegiate competition in this state that permits a female to use any multiple occupancy restroom or changing area or sleeping quarters designated for use by males in conjunction with such competition.

(D) To ensure the privacy and safety of student athletes, each covered entity that operates or sponsors one or more teams in any intercollegiate competition shall, in conjunction with such competition:

(i) Designate each multiple occupancy restroom or changing area and sleeping quarters for exclusive use by males or for exclusive use by females; and

(ii) Provide a reasonable accommodation to individuals who are unwilling or unable to use a multiple occupancy restroom or changing area or sleeping quarters designated for each such individual's sex; and

(E)(i) A reasonable accommodation under this paragraph may include, but shall not be limited to, allowing such individual to access a single occupancy restroom or changing area or sleeping quarters.

(ii) A reasonable accommodation under this paragraph shall not include allowing such individual to access a multiple or single occupancy restroom or changing area or sleeping quarters that is designated for use by members of the other sex while members of the other sex of the individual are present or may be present in such restroom or changing area or sleeping quarters;

(4) No covered entity shall host, sponsor, or participate in any intercollegiate competition in this state that permits a male to:

(A) Participate in any intercollegiate competition in this state on any team that is designated as female; or

(B) Use any multiple occupancy restroom or changing area or sleeping quarters designated for use by females in conjunction with such competition;

(5) Nothing in subparagraph (a)(3)(D) or (a)(4)(B) of this Code section shall be construed or applied to prohibit an individual from entering a multiple occupancy restroom or changing area designated for use by individuals of the opposite sex when he or she enters such area for one of the following reasons:

(A) For authorized custodial, maintenance, or inspection purposes;

(B) To render emergency medical assistance;

(C) To address an ongoing emergency, including, but not limited to, a physical altercation;

(D) A minor child is accompanied by his or her parent or legal guardian who deems such entry necessary for the child's safety, welfare, or assistance; or

(E) The performance of official duties and responsibilities as authorized coaches and trainers for purposes directly related to a competition or other official activity of a team, including practice; and

(6) No covered entity shall award to a male an athletic scholarship allocated to, associated with, or otherwise intended for a female team member.

(b) Nothing in this Code section shall be construed to prohibit males from participating in practices, exhibitions, or scrimmages with teams designated as female; provided, however, that nothing in this subsection shall be construed to permit a male to receive a scholarship in conjunction with such participation.

(c) Nothing in this Code section shall be construed to authorize a covered entity or governing body to verify or confirm a student athlete's sex through visual inspection of such student athlete's external sex organs for purposes of participation in competitions; provided, however, that this paragraph shall not prohibit reliance on medical records or other standard school medical procedures to verify or confirm a student's athlete's sex.

(d) Any covered entity or governing body that violates any provision of subsection (a) of this Code section shall be subject to the withholding of state funding. Such withholding of state funding may include funds provided to one or more postsecondary educational institutions or governing bodies directly, as well as funding for scholarships, loans, and grants pursuant to this chapter for students of such postsecondary educational institutions.

(e)(1) In addition to any other rights or remedies otherwise provided by law, any student:

(A) Who is deprived of an athletic opportunity or suffers any harm as a result of a violation of this Code section shall have a private cause of action for injunctive relief, damages, and any other relief available under law. If an aggrieved student is the prevailing party in such action, such student shall be entitled to an award of monetary damages, including for any psychological, emotional, or physical harm suffered, reasonable attorney's fees, court costs, and expenses of litigation, and any other appropriate relief; or

(B) Who is subject to retaliation or other adverse action by a covered entity, a governing body, or a local, state, regional, or national athletic conference or athletic association as a result of reporting a violation of this Code section to an employee or representative such covered entity, governing body, athletic conference or athletic association, or to any state or federal agency with oversight over postsecondary educational institutions in this state, shall have a private cause of action for injunctive relief, damages, and any other relief available under law. If an aggrieved student is the prevailing party in such action, such student shall be entitled to an award of monetary damages, including for any psychological, emotional, or physical harm suffered, reasonable attorney's fees, court costs, and expenses of litigation, and any other appropriate relief.

(2) All civil actions brought under this subsection shall be initiated within two years after the alleged harm occurred.

(f) Nothing in this Code section shall be construed to abrogate or otherwise affect the operation or application of Section 504 of the federal Rehabilitation Act of 1973, the federal Americans with Disabilities Act of 1990, or the federal Health Insurance Portability and Accountability Act of 1996, P.L. 104-191."

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.