

SENATE BILL 381

F1, D5

4r1133
CF HB 47

By: **Senators Carozza, Bailey, Corderman, Jennings, Hershey, Mautz, Ready, West, Salling, Folden, McKay, Gallion, and Simonaire**
Introduced and read first time: January 17, 2024
Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Interscholastic and Intramural Junior Varsity and Varsity Teams**
3 **– Designation Based on Sex**
4 **(Fairness in Girls’ Sports Act)**

5 FOR the purpose of requiring certain interscholastic and intramural junior varsity and
6 varsity athletic teams or sports sponsored by certain schools to be expressly
7 designated based on biological sex; prohibiting certain entities from taking certain
8 adverse actions against a school for maintaining separate interscholastic and
9 intramural junior varsity and varsity athletic teams and sports for students of the
10 female sex; providing that certain individuals have the right to bring a civil action
11 under certain circumstances; and generally relating to interscholastic and
12 intramural junior varsity and varsity teams and sports of public and nonpublic
13 schools.

14 BY adding to
15 Article – Education
16 Section 7–118
17 Annotated Code of Maryland
18 (2022 Replacement Volume and 2023 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Education**

22 **7–118.**

23 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
24 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “STUDENT OF THE FEMALE SEX” MEANS A STUDENT WHOSE**
2 **BIOLOGICAL SEX IS FEMALE.**

3 **(3) “STUDENT OF THE MALE SEX” MEANS A STUDENT WHOSE**
4 **BIOLOGICAL SEX IS MALE.**

5 **(B) THIS SECTION APPLIES TO:**

6 **(1) PUBLIC HIGH SCHOOLS; AND**

7 **(2) NONPUBLIC HIGH SCHOOLS WHOSE STUDENT ATHLETES OR**
8 **ATHLETIC TEAMS COMPETE AGAINST STUDENT ATHLETES OR ATHLETIC TEAMS**
9 **FROM PUBLIC HIGH SCHOOLS IN THE STATE.**

10 **(C) (1) AN INTERSCHOLASTIC OR INTRAMURAL JUNIOR VARSITY OR**
11 **VARSITY ATHLETIC TEAM OR SPORT THAT IS SPONSORED BY A PUBLIC OR**
12 **NONPUBLIC HIGH SCHOOL SHALL BE EXPRESSLY DESIGNATED AS ONE OF THE**
13 **FOLLOWING BASED ON BIOLOGICAL SEX:**

14 **(I) A BOYS’, MALE, OR MEN’S TEAM OR SPORT;**

15 **(II) A GIRLS’, FEMALE, OR WOMEN’S TEAM OR SPORT; OR**

16 **(III) A COEDUCATIONAL OR MIXED TEAM OR SPORT.**

17 **(2) AN INTERSCHOLASTIC OR INTRAMURAL JUNIOR VARSITY OR**
18 **VARSITY ATHLETIC TEAM OR SPORT DESIGNATED FOR GIRLS, FEMALES, OR WOMEN**
19 **MAY NOT INCLUDE STUDENTS OF THE MALE SEX.**

20 **(D) A GOVERNMENTAL ENTITY, A LICENSING OR ACCREDITING**
21 **ORGANIZATION, OR AN ATHLETIC ASSOCIATION OR ORGANIZATION MAY NOT ACCEPT**
22 **A COMPLAINT, CONDUCT AN INVESTIGATION, OR TAKE ANY OTHER ADVERSE ACTION**
23 **AGAINST A SCHOOL FOR MAINTAINING SEPARATE INTERSCHOLASTIC OR**
24 **INTRAMURAL JUNIOR VARSITY OR VARSITY ATHLETIC TEAMS OR SPORTS FOR**
25 **STUDENTS OF THE FEMALE SEX.**

26 **(E) (1) (I) A STUDENT WHO IS DEPRIVED OF AN ATHLETIC**
27 **OPPORTUNITY OR SUFFERS ANY DIRECT OR INDIRECT HARM AS A RESULT OF A**
28 **VIOLATION OF THIS SECTION MAY BRING A CIVIL ACTION AGAINST THE SCHOOL THE**
29 **STUDENT ATTENDS.**

30 **(II) A STUDENT WHO IS SUBJECT TO RETALIATION OR OTHER**

1 ADVERSE ACTION BY A SCHOOL OR AN ATHLETIC ASSOCIATION OR ORGANIZATION
2 AS A RESULT OF REPORTING A VIOLATION OF THIS SECTION TO AN EMPLOYEE OR
3 REPRESENTATIVE OF THE SCHOOL, ATHLETIC ASSOCIATION OR ORGANIZATION, OR
4 ANY STATE OR FEDERAL AGENCY WITH OVERSIGHT OF SCHOOLS IN THE STATE MAY
5 BRING A CIVIL ACTION AGAINST THE SCHOOL OR ATHLETIC ASSOCIATION OR
6 ORGANIZATION.

7 (III) A SCHOOL THAT SUFFERS ANY DIRECT OR INDIRECT HARM
8 FROM A GOVERNMENTAL ENTITY, A LICENSING OR ACCREDITING ORGANIZATION,
9 OR AN ATHLETIC ASSOCIATION OR ORGANIZATION AS A RESULT OF A VIOLATION OF
10 THIS SECTION MAY BRING A CIVIL ACTION AGAINST THE GOVERNMENTAL ENTITY,
11 LICENSING OR ACCREDITING ORGANIZATION, OR ATHLETIC ASSOCIATION OR
12 ORGANIZATION.

13 (2) A CIVIL ACTION INITIATED UNDER THIS SECTION MUST BE
14 INITIATED WITHIN 2 YEARS AFTER THE HARM OCCURRED.

15 (3) AN INDIVIDUAL WHO PREVAILS IN A CIVIL ACTION UNDER THIS
16 SECTION MAY RECOVER:

17 (I) MONETARY DAMAGES, INCLUDING DAMAGES FOR ANY
18 PSYCHOLOGICAL, EMOTIONAL, AND PHYSICAL HARM SUFFERED;

19 (II) REASONABLE ATTORNEY'S FEES AND COSTS; AND

20 (III) ANY OTHER RELIEF, INCLUDING AN INJUNCTION, AS THE
21 COURT MAY DETERMINE APPROPRIATE.

22 (F) THIS SECTION MAY BE KNOWN AND CITED AS THE FAIRNESS IN GIRLS'
23 SPORTS ACT.

24 SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or
25 the application thereof to any person or circumstance is held invalid for any reason in a
26 court of competent jurisdiction, the provision shall be construed to give the provision the
27 maximum effect permitted by law unless the provision is held to be absolutely invalid.

28 SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act or
29 the application thereof to any person or circumstance is held invalid for any reason in a
30 court of competent jurisdiction, the invalidity does not affect other provisions or any other
31 application of this Act that can be given effect without the invalid provision or application,
32 and for this purpose the provisions of this Act are declared severable.

33 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
34 1, 2024.