

House Bill 276

By: Representatives Singleton of the 71st, Cantrell of the 22nd, Lott of the 122nd, Jones of the 25th, Carpenter of the 4th, and others

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 provide that it shall be unlawful for a public school, an institution of the University System
3 of Georgia, or a private school whose students or teams compete against a public school to
4 operate, sponsor, or facilitate athletic programs or activities that permit a person whose
5 gender is male to participate in an athletic program or activity that is designated for females;
6 to provide for a definition; to provide for remedies for violations; to waive certain
7 immunities; to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in
11 Code Section 20-2-315, relating to gender discrimination prohibited, authorized separate
12 gender teams, equal athletic opportunity, physical education classes, employee designated
13 to monitor compliance, grievance procedures, and reporting requirements, by adding a new
14 subsection to read as follows:

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15 "(k)(1) As used in this subsection, the term 'gender' shall mean a person's biological sex
16 and shall be solely recognized based on a person's reproductive biology and genetics at
17 birth.

18 (2) No local school system or private school in this state whose students or teams
19 compete against a local school system in this state shall operate, sponsor, or facilitate
20 interscholastic or intramural athletics that permit a person whose gender is male to
21 participate in any interscholastic or intramural athletics that are designated for females.

22 (3) Any student who is deprived of an athletic opportunity or suffers any direct or
23 indirect harm as a result of a violation of this subsection shall have a private cause of
24 action for injunctive relief, damages, and any other relief available under law against such
25 school system or school. Sovereign immunity shall be specifically waived for purposes
26 of this paragraph. All civil actions shall be initiated within two years after the harm
27 occurred. Persons who prevail on a claim brought pursuant to this subsection shall be
28 entitled to monetary damages, including damages for any psychological, emotional, or
29 physical harm suffered, reasonable attorneys' fees and costs, and any other appropriate
30 relief."

31 **SECTION 2.**

32 Said title is further amended in Part 2 of Article 2 of Chapter 3, relating to University System
33 of Georgia, by adding a new Code section to read as follows:

34 "20-3-88.

35 (a) As used in this Code section, the term 'gender' shall mean a person's biological sex and
36 shall be solely recognized based on a person's reproductive biology and genetics at birth.

37 (b) No institution of the University System of Georgia shall operate, sponsor, or facilitate
38 intercollegiate or intramural athletics that permit a person whose gender is male to
39 participate in any intercollegiate or intramural athletics that are designated for females.

40 (c) Any student who is deprived of an athletic opportunity or suffers any direct or indirect
41 harm as a result of a violation of this subsection shall have a private cause of action for
42 injunctive relief, damages, and any other relief available under law against the board of
43 regents. Sovereign immunity of the state shall be specifically waived for purposes of this
44 paragraph. All civil actions shall be initiated within two years after the harm occurred.
45 Persons who prevail on a claim brought pursuant to this subsection shall be entitled to
46 monetary damages, including damages for any psychological, emotional, or physical harm
47 suffered, reasonable attorneys' fees and costs, and any other appropriate relief."

48 **SECTION 3.**

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