

SENATE BILL NO. 165

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

1122S.02I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 167, RSMo, by adding thereto two new sections relating to athletic opportunities for students.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 167, RSMo, is amended by adding thereto
2 two new sections, to be known as sections 167.169 and 167.172,
3 to read as follows:

167.169. 1. This section shall be known and may be
2 cited as the "Save Women's Sports Act".

3 2. An interscholastic or intramural athletic team
4 sponsored by a public or private middle school or high
5 school, or by a public or private institution of
6 postsecondary education, shall be expressly designated as
7 one of the following categories based on the biological sex
8 assigned at birth:

- 9 (1) "Males", "men", or "boys";
10 (2) "Females", "women", or "girls"; or
11 (3) "Coeducational", "coed", or "mixed".

12 3. No athletic team or sport designated for females,
13 women, or girls shall be open to students of the male sex as
14 assigned at birth.

15 4. No public or private middle school or high school,
16 or public or private institution of postsecondary education,
17 that has biological males as assigned at birth playing

18 women's sports shall be eligible for any moneys appropriated
19 by the general assembly.

20 5. A student who is deprived of an athletic
21 opportunity or suffers direct or indirect harm as a result
22 of a violation of this section shall have a cause of action
23 for injunctive relief, damages, and other relief available
24 under law against the school.

25 6. A student who is subject to retaliation or other
26 adverse action by a school, institution of postsecondary
27 education, or athletic association or organization as a
28 result of reporting a violation of this section to an
29 employee or representative of the school, institution, or
30 athletic association or organization, or to a state or
31 federal agency with oversight of schools or institutions of
32 postsecondary education in the state, has a cause of action
33 for injunctive relief, damages, and other relief available
34 under law against the school, institution, or athletic
35 association or organization.

36 7. A school or institution that suffers direct or
37 indirect harm as a result of a violation of this section has
38 a private cause of action for injunctive relief, damages,
39 and other relief available under law against the
40 governmental entity, licensing or accrediting organization,
41 or athletic association or organization.

42 8. A civil action brought pursuant to this section
43 shall be initiated within two years after the harm has
44 occurred. A person or entity that prevails on a claim
45 brought pursuant to this section is entitled to:

46 (1) Monetary damages, including for psychological,
47 emotional, and physical harm suffered;

48 (2) Reasonable attorneys' fees and costs; and

49 (3) Any other relief considered appropriate by the
50 court.

 167.172. 1. For the purposes of this section,
2 "biological sex" means the physical condition of being male
3 or female, which is determined by a person's chromosomes,
4 and is identified at birth by a person's anatomy and
5 indicated on their birth certificate.

6 2. In every public or private school setting in which
7 a student may be in a state of undress in the presence of
8 other students, school personnel shall provide separate,
9 distinct areas designated for use by students based on their
10 biological sex to ensure the personal privacy and safety of
11 students.

12 3. Every public or private school locker room and
13 shower room designated for student use and which is
14 accessible by multiple students at the same time shall be
15 designated for and used only by students of the same
16 biological sex. At no time shall a student be allowed to
17 access a public school locker room or shower room designated
18 for use by the opposite biological sex.

19 4. A student who asserts to school officials that his
20 or her gender is different from his or her biological sex
21 may be provided with alternative accommodations.

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