

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1249
(Representatives Koppelman, Cory, Kasper, Louser, Meier, Novak, VanWinkle)
(Senators Boehm, Estenson, Larson, Myrdal, Paulson)

AN ACT to create and enact chapter 15.1-41 of the North Dakota Century Code, relating to requiring schools to designate their athletic teams and sports for male, female, or coed participation and limitations on use of governmental property for athletic events.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Chapter 15.1-41 of the North Dakota Century Code is created and enacted as follows:

15.1-41-01. Definitions.

As used in this chapter:

1. "School" means a public school or a not-for-profit nonpublic school whose athletic teams compete against a public school.
2. "Sex" means the biological state of being female or male, based on an individual's nonambiguous sex organs, chromosomes, and endogenous hormone profile at birth.
3. "Student" means an individual enrolled at a school.

15.1-41-02. Designation of athletic teams.

1. An interscholastic or intramural athletic team or sport sponsored by a school must be expressly designated as one of the following based on the sex of the intended participants:
 - a. "Males", "men", or "boys";
 - b. "Females", "women", or "girls"; or
 - c. "Coed" or "mixed".
2. An athletic team or sport designated for "females", "women", or "girls" may not be open to students of the male sex.
3. This section may not be construed to restrict the eligibility of a student to participate in interscholastic or intramural athletic teams or sports designated as "males", "men", or "boys" or designated as "coed" or "mixed".

15.1-41-03. Adverse action against school prohibition.

A government entity, a licensing or accrediting organization, or an athletic association or organization may not entertain a complaint, open an investigation, or take any other adverse action against a school for maintaining separate interscholastic or intramural athletic teams or sports for students of the female sex.

15.1-41-04. Cause of action.

1. A student who is deprived of an athletic opportunity or who suffers direct or indirect harm as a result of a school knowingly violating this chapter has a private cause of action for injunctive relief, damages, and any other relief available under law against the school.

2. A student subject to retaliation or other adverse action by a school or athletic association or organization as a result of reporting a violation of this chapter to an employee or representative of the school or athletic association or organization, or to a state or federal agency with oversight of schools in the state has a private cause of action for injunctive relief, damages, and any other relief available under law against the school or athletic association or organization.
3. A school that suffers direct or indirect harm as a result of a violation of this chapter has a private cause of action for injunctive relief, damages, and any other relief available under law against the government entity, licensing or accrediting organization, or athletic association or organization.
4. A civil action must be initiated within two years after the harm occurred. A person that prevails on a claim brought pursuant to this section is entitled to monetary damages, including for any psychological, emotional, and physical harm suffered, reasonable attorney's fees and costs, and any other appropriate relief.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1249.

House Vote: Yeas 78 Nays 15 Absent 1

Senate Vote: Yeas 38 Nays 9 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2023.

Approved at _____ M. on _____, 2023.

Governor

Filed in this office this _____ day of _____, 2023,

at _____ o'clock _____ M.

Secretary of State