

An Act

ENROLLED SENATE
BILL NO. 2

By: Bergstrom, Murdock, Dahm,
Hamilton, Quinn, Stephens,
Rogers, Bullard, Jett,
Merrick, Taylor, Weaver,
Daniels, Pederson,
Standridge, Burns,
Newhouse, Pemberton, and
Garvin of the Senate

and

Hasenbeck, Dills, West
(Kevin), Crosswhite Hader,
West (Josh), Humphrey,
Conley, Stark, Russ, Boles,
Townley, Gann, Kendrix,
Lawson, McDugle, Roberts
(Sean), Manger, Lowe
(Dick), Steagall, Roe,
Hardin (David), Grego,
Dempsey, Smith, West
(Rick), Sneed, Cornwell,
Wolfley, Bashore, Olsen,
Miller, Stearman, and Baker
of the House

An Act relating to student athletics; creating the Save Women's Sports Act; providing short title; providing definitions; requiring certain athletic teams to be designated based on biological sex; requiring execution of affidavit; requiring certain notification; prohibiting certain teams from being open to students of certain sex; creating causes of action for certain students; prohibiting certain groups from taking actions against schools for maintaining athletic teams or sports for students of the female sex; creating a cause of action for certain schools; requiring causes of action to be

initiated in certain time frame; providing for award of damages, fees and costs; providing for codification; and declaring an emergency.

SUBJECT: Creating the Save Women's Sports Act

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 27-106 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Save Women's Sports Act".

B. As used in this section:

1. "School" means a public school district or public charter school in this state or an institution within The Oklahoma State System of Higher Education;

2. "School athletic association" shall have the same meaning as provided for in Section 27-102 of Title 70 of the Oklahoma Statutes; and

3. "Intercollegiate association" shall mean a national association that sets eligibility requirements for participation in sports at the collegiate level and that provides the coordination, supervision and regulation of the intercollegiate competitions.

C. Athletic teams that are sponsored by a school or sponsored by a private school whose students or teams compete against a school shall be expressly designated as one of the following based on biological sex:

1. "Males", "men" or "boys";

2. "Females", "women" or "girls"; or

3. "Coed" or "mixed".

D. Prior to the beginning of each school year, the parent or legal guardian of a student who competes on a school athletic team shall sign an affidavit acknowledging the biological sex of the student at birth. If the student is eighteen (18) years of age or older, the student who competes on a school athletic team shall sign an affidavit acknowledging his or her biological sex at birth. If there is any change in the status of the biological sex of the student, the affiant shall notify the school within thirty (30) days of such change.

E. 1. Athletic teams designated for "females", "women" or "girls" shall not be open to students of the male sex.

2. Any student who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a violation of paragraph 1 of this subsection shall have a cause of action for injunctive relief, damages and any other relief available permitted by law against the school.

3. Any student who is subject to retaliation or other adverse action by a school, school athletic association or intercollegiate association as a result of reporting a violation of paragraph 1 of this subsection to an employee or representative of the school, school athletic association or intercollegiate association or to any state or federal agency with oversight of schools in this state shall have a cause of action for injunctive relief, damages and any other relief available permitted by law against the school, school athletic association or intercollegiate association.

F. 1. The State Board of Education, the Oklahoma State Regents for Higher Education and any school athletic association or intercollegiate association of which a school is a member shall be prohibited from entertaining a complaint, opening an investigation or taking any other adverse action against a school for maintaining athletic teams or sports for students of the female sex as provided for in subsection E of this section.

2. Any school that suffers any direct or indirect harm as a result of a violation of paragraph 1 of this subsection shall have a cause of action for injunctive relief, damages and any other relief

permitted by law against the State Board of Education, the Oklahoma State Regents for Higher Education, school athletic association or intercollegiate association.

G. Causes of action authorized by this section shall be initiated within two (2) years after the harm occurred. Persons or associations that prevail on a claim brought pursuant to this section shall be entitled to monetary damages including for any psychological, emotional and physical harm suffered, reasonable attorney fees and costs and any other appropriate relief permitted by law.

SECTION 2. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 24th day of March, 2022.

Presiding Officer of the Senate

Passed the House of Representatives the 19th day of April, 2021.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____