

As Reported by the House Higher Education Committee

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H. B. No. 6

Representative Powell

Cosponsors: Representatives Hall, Jordan, Johnson, Click, Creech, Stewart, Merrin, LaRe, Kick, Stoltzfus, Lear, Wiggam, Schmidt, Barhorst, Stein, Miller, K., Klopfenstein, Gross, Thomas, J., Miller, M., King, Santucci, Willis, Demetriou, Mathews, Young, T., Manchester, Cutrona, Richardson, Plummer, Bird, Dean, Williams

A BILL

To enact sections 3313.5319 and 3345.562 of the Revised Code to enact the Save Women's Sports Act to require schools, state institutions of higher education, and private colleges to designate separate single-sex teams and sports for each sex.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3313.5319 and 3345.562 of the Revised Code be enacted to read as follows:

Sec. 3313.5319. (A) Each school that participates in athletic competitions or events administered by an organization that regulates interscholastic athletic conferences or events shall designate interscholastic athletic teams based on the sex of the participants as follows:

(1) Separate teams for participants of the female sex within female sports divisions;

(2) Separate teams for participants of the male sex within 16
male sports divisions; 17

(3) If applicable, co-ed teams for participants of the 18
female and male sexes within co-ed sports divisions. 19

(B) No school, interscholastic conference, or organization 20
that regulates interscholastic athletics shall knowingly permit 21
individuals of the male sex to participate on athletic teams or 22
in athletic competitions designated only for participants of the 23
female sex. 24

(C) Nothing in this section shall be construed to restrict 25
the eligibility of any student to participate on any athletic 26
teams or in athletic competitions that are designated as male or 27
co-ed. 28

(D) No agency or political subdivision of the state and no 29
accrediting organization or athletic association that operates 30
or has business activities in this state shall process a 31
complaint, begin an investigation, or take any other adverse 32
action against a school or school district for maintaining 33
separate single-sex interscholastic athletic teams or sports. 34

(E) (1) Any participant who is deprived of an athletic 35
opportunity or suffers a direct or indirect harm as a result of 36
a violation of this section has a private cause of action for 37
injunctive relief, damages, and any other relief available 38
against the school, school district, interscholastic conference, 39
or organization that regulates interscholastic athletics. 40

(2) Any participant who is subject to retaliation or other 41
adverse action by a school, school district, interscholastic 42
conference, or organization that regulates interscholastic 43
athletics as a result of reporting a violation of this section 44

has a private cause of action for injunctive relief, damages, 45
and any other relief available against the entity that takes the 46
retaliatory or other adverse action. 47

(3) Any school or school district that suffers any direct 48
or indirect harm as a result of a violation of division (D) of 49
this section has a private cause of action for injunctive 50
relief, damages, and any other relief available against the 51
agency, political subdivision, accrediting organization, or 52
athletic association that violates that division. 53

(F) Any civil action brought as a result of a violation of 54
this section shall be initiated within two years after the date 55
on which the violation occurs. Persons or organizations who 56
prevail on a claim brought pursuant to this section shall be 57
entitled to monetary damages, including for any psychological, 58
emotional, or physical harm suffered, reasonable attorney's fees 59
and costs, and any other appropriate relief. 60

Sec. 3345.562. (A) As used in this section: 61

(1) "Private college" means a nonprofit institution that 62
holds a certificate of authorization issued under section 63
1713.02 of the Revised Code; 64

(2) "State institution of higher education" has the same 65
meaning as in section 3345.011 of the Revised Code. 66

(B) Each state institution of higher education or private 67
college that is a member of the national collegiate athletics 68
association, the national association of intercollegiate 69
athletics, or the national junior college association shall 70
designate intercollegiate athletic teams and sports based on the 71
sex of the participants as follows: 72

(1) Separate teams for participants of the female sex 73

<u>within female sports divisions;</u>	74
<u>(2) Separate teams for participants of the male sex within male sports divisions;</u>	75 76
<u>(3) If applicable, co-ed teams for participants of the female and male sexes within co-ed sports divisions.</u>	77 78
<u>(C) No state institution or private college to which division (B) of this section applies shall knowingly allow individuals of the male sex to participate on athletic teams or in athletic competitions designated for only participants of the female sex.</u>	79 80 81 82 83
<u>(D) Nothing in this section shall be construed to restrict the eligibility of any student to participate on any athletic teams or in athletic competitions that are designated as male or co-ed.</u>	84 85 86 87
<u>(E) No agency or political subdivision of the state and no accrediting organization or athletic association that operates or has business activities in this state shall process a complaint, begin an investigation, or take any other adverse action against a state institution of higher education or private college for maintaining separate single-sex intercollegiate athletic teams or sports for participants of the female sex.</u>	88 89 90 91 92 93 94 95
<u>(F) (1) Any participant who is deprived of an athletic opportunity or suffers a direct or indirect harm as a result of a violation of this section has a private cause of action for injunctive relief, damages, and any other relief available against the state institution or the private college.</u>	96 97 98 99 100
<u>(2) Any participant who is subject to retaliation or other adverse action by a state institution, private college, or</u>	101 102

athletic association as a result of reporting a violation of 103
this section has a private cause of action for injunctive 104
relief, damages, and any other relief available against the 105
entity that takes the retaliatory or other adverse action. 106

(3) Any state institution or private college that suffers 107
any direct or indirect harm as a result of a violation of 108
division (E) of this section has a private cause of action for 109
injunctive relief, damages, and any other relief available 110
against the agency, political subdivision, accrediting 111
organization, or athletic association that violates that 112
division. 113

(G) Any civil action brought as a result of a violation of 114
this section shall be initiated within two years after the date 115
on which the violation occurs. Persons or organizations who 116
prevail on a claim brought pursuant to this section shall be 117
entitled to monetary damages, including for any psychological, 118
emotional, or physical harm suffered, reasonable attorney's fees 119
and costs, and any other appropriate relief. 120

Section 2. This act shall be known as the Save Women's 121
Sports Act. 122