

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 61**

**Representatives Powell, Stoltzfus**

**Cosponsors: Representatives LaRe, Merrin, Click, Riedel, Gross, McClain,  
Johnson, Kick, Stewart, Zeltwanger, Holmes, Jones, Brinkman, Wiggam**

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**A BILL**

To enact sections 3313.5317 and 3345.561 of the 1  
Revised Code to enact the "Save Women's Sports 2  
Act" to require schools, state institutions of 3  
higher education, and private colleges to 4  
designate separate single-sex teams and sports 5  
for each sex. 6

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

**Section 1.** That sections 3313.5317 and 3345.561 of the 7  
Revised Code be enacted to read as follows: 8

**Sec. 3313.5317.** (A) Each school that participates in 9  
athletic competitions or events administered by an organization 10  
that regulates interscholastic athletic conferences or events 11  
shall designate interscholastic athletic teams based on the sex 12  
of the participants as follows: 13

(1) Separate teams for participants of the female sex 14  
within female sports divisions; 15

(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 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) If a participant's sex is disputed, the participant 25  
shall establish the participant's sex by presenting a signed 26  
physician's statement indicating the participant's sex based 27  
upon only the following: 28

(1) The participant's internal and external reproductive 29  
anatomy; 30

(2) The participant's normal endogenously produced levels 31  
of testosterone; 32

(3) An analysis of the participant's genetic makeup. 33

(D) No agency or political subdivision of the state and no 34  
accrediting organization or athletic association that operates 35  
or has business activities in this state shall process a 36  
complaint, begin an investigation, or take any other adverse 37  
action against a school or school district for maintaining 38  
separate single-sex interscholastic athletic teams or sports. 39

(E) (1) Any participant who is deprived of an athletic 40  
opportunity or suffers a direct or indirect harm as a result of 41  
a violation of this section shall have a private cause of action 42  
for injunctive relief, damages, and any other relief available 43  
against the school, school district, interscholastic conference, 44  
or organization that regulates interscholastic athletics. 45

(2) Any participant who is subject to retaliation or other 46  
adverse action by a school, school district, interscholastic 47  
conference, or organization that regulates interscholastic 48  
athletics as a result of reporting a violation of this section 49  
shall have a private cause of action for injunctive relief, 50  
damages, and any other relief available against the entity that 51  
takes the retaliatory or other adverse action. 52

(3) Any school or school district that suffers any direct 53  
or indirect harm as a result of a violation of division (D) of 54  
this section shall have a private cause of action for injunctive 55  
relief, damages, and any other relief available against the 56  
agency, political subdivision, accrediting organization, or 57  
athletic association that violates that division. 58

(F) Any civil action brought as a result of a violation of 59  
this section shall be initiated within two years after the date 60  
on which the violation occurs. Persons or organizations who 61  
prevail on a claim brought pursuant to this section shall be 62  
entitled to monetary damages, including for any psychological, 63  
emotional, or physical harm suffered, reasonable attorney's fees 64  
and costs, and any other appropriate relief. 65

**Sec. 3345.561. (A) As used in this section:** 66

(1) "Private college" means a nonprofit institution that 67  
holds a certificate of authorization issued under section 68  
1713.02 of the Revised Code; 69

(2) "State institution of higher education" has the same 70  
meaning as in section 3345.011 of the Revised Code. 71

(B) Each state institution of higher education or private 72  
college that is a member of the national collegiate athletics 73  
association, the national association of intercollegiate 74

athletics, or the national junior college association shall 75  
designate intercollegiate athletic teams and sports based on the 76  
sex of the participants as follows: 77

(1) One single-sex team for participants of the female 78  
sex; 79

(2) One single-sex team for participants of the male sex; 80

(3) If applicable, one team for participants of both the 81  
female and male sexes. 82

(C) No state institution or private college to which 83  
division (B) of this section applies shall allow individuals of 84  
the male sex to participate on athletic teams or in athletic 85  
competitions designated for only participants of the female sex. 86

(D) If a participant's sex is disputed, the participant 87  
shall establish the participant's sex by presenting a signed 88  
physician's statement indicating the participant's sex based 89  
upon only the following: 90

(1) The participant's internal and external reproductive 91  
anatomy; 92

(2) The participant's normal endogenously produced levels 93  
of testosterone; 94

(3) An analysis of the participant's genetic makeup. 95

(E) No agency or political subdivision of the state and no 96  
accrediting organization or athletic association that operates 97  
or has business activities in this state shall process a 98  
complaint, begin an investigation, or take any other adverse 99  
action against a state institution of higher education or 100  
private college for maintaining separate single-sex 101  
intercollegiate athletic teams or sports for participants of the 102

female sex. 103

(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 shall have a private cause of action for injunctive relief, damages, and any other relief available against the state institution or the private college. 104  
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(2) Any participant who is subject to retaliation or other adverse action by a state institution or private college as a result of reporting a violation of this section shall have a private cause of action for injunctive relief, damages, and any other relief available against the entity that takes the retaliatory or other adverse action. 109  
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(3) Any state institution or private college that suffers any direct or indirect harm as a result of a violation of division (E) of this section shall have a private cause of action for injunctive relief, damages, and any other relief available against the agency, political subdivision, accrediting organization, or athletic association that violates that division. 115  
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(G) Any civil action brought as a result of a violation of this section shall be initiated within two years after the date on which the violation occurs. Persons or organizations who prevail on a claim brought pursuant to this section shall be entitled to monetary damages, including for any psychological, emotional, or physical harm suffered, reasonable attorney's fees and costs, and any other appropriate relief. 122  
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**Section 2.** This act shall be known as the "Save Women's Sports Act." 129  
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