

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**

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 female and male sexes within co-ed sports divisions. 18
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(B) No school, interscholastic conference, or organization that regulates interscholastic athletics shall permit individuals of the male sex to participate on athletic teams or in athletic competitions designated only for participants of the female sex. 20
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(C) If a participant's sex is disputed, the participant shall establish the participant's sex by presenting a signed physician's statement indicating the participant's sex based upon only the following: 25
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(1) The participant's internal and external reproductive anatomy; 29
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(2) The participant's normal endogenously produced levels of testosterone; 31
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(3) An analysis of the participant's genetic makeup. 33

(D) 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 school or school district for maintaining separate single-sex interscholastic athletic teams or sports. 34
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(E) (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 school, school district, interscholastic conference, or organization that regulates interscholastic athletics. 40
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(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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