As Introduced

134th General Assembly
Regular Session
2021-2022

S. B. No. 132

Senator Roegner

A BILL

To enact sections 3313.5317 and 3345.561 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 3313.5317 and 3345.561 of the Revised Code be enacted to read as follows:

Sec. 3313.5317. (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 male sports divisions;

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

(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.

(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:

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

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

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

(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.

(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.

(2) Any participant who is subject to retaliation or other
adverse action by a school, school district, interscholastic conference, or organization that regulates interscholastic athletics 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.

(3) Any school or school district that suffers any direct or indirect harm as a result of a violation of division (D) 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.

(F) 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.

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

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

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

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

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

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

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

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

(D) 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:

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

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

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

(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.
(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.

(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.

(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.

(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.

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