AN ACT

1 Providing for sport activities in public institutions of higher
2 education and public school entities to be expressly
3 designated male, female or coed; and creating causes of
4 action for harms suffered by designation.
5
6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:
8
9 Section 1. Short title.
10
11 This act shall be known and may be cited as the Fairness in
12 Women's Sports Act.
13
14 Section 2. Definitions.
15 The following words and phrases when used in this act shall
16 have the meanings given to them in this section unless the
17 context clearly indicates otherwise:
18 "Biological sex." For the purpose of this act, biological
19 sex is based solely on an individual's reproductive organs,
20 biology or genetics at birth.
21
22 Section 3. Designation of athletic teams.
(a) General rule.--Interscholastic, intercollegiate, intramural or club athletic teams or sports that are sponsored by a public primary or high school, a public institution of higher education or any school or institution where students or teams compete against a public school or institution of higher education must be expressly designated as one of the following based on biological sex:

(1) Male, men or boys.
(2) Female, women or girls.
(3) Coed or mixed.

(b) Prohibition.--Athletic teams or sports designated for females, women or girls under subsection (a)(2) may not be open to students of the male sex.

Section 4. Protection for educational institutions.

A government entity, licensing or accrediting organization or an athletic association or organization may not entertain a complaint, open an investigation or take any other adverse action against a school or institution of higher education for maintaining separate interscholastic, intercollegiate, intramural or club athletic teams or sports for students of the female sex.

Section 5. Cause of action.

(a) Deprivation of opportunity.--A student who is deprived of an athletic opportunity or who suffers a direct or indirect harm as a result of a known violation of section 3 or 4 may bring a cause of action for injunctive relief, damages, psychological, emotional and physical harm suffered, attorney fees and costs and any other relief available under law against the school or institution of higher education.

(b) Retaliation.--A student who is subject to retaliation or
other adverse action by a school, institution of higher
education or athletic association or organization as a result of
reporting a violation of sections 3 and 4 to an employee or
representative of the school, institution or athletic
association or organization or to any Federal or State agency
with oversight of schools or institutions of higher education in
Pennsylvania may bring a cause of action for injunctive relief,
damages, attorney fees and costs and any other relief available
under law against the school, institution or athletic
association or organization.

(c) School's cause of action.--A school or institution of
higher education that suffers a direct or indirect harm as a
result of a violation of sections 3 and 4 may bring a cause of
action for injunctive relief, damages and any other relief
available under law against the government entity, licensing or
accrediting organization or athletic association or
organization.

(d) Limitation.--A person may not bring a civil action under
this section later than two years after the day on which the
harm underlying the cause of action occurs.

Section 6. Severability.

If a part of this act is found invalid, all valid parts that
are severable from the invalid part shall remain in effect. If a
part of this act is invalid in one or more of its applications,
the part remains in effect in all valid applications that are
severable from the invalid applications.

Section 7. Effective date.

This act shall take effect in 60 days.