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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 972 Session of  
2021

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INTRODUCED BY GLEIM, WHITE, KEEFER, GAYDOS, BOROWICZ, RYAN, FEE,  
ROTHMAN, JONES, ROWE, HELM, KAUFFMAN, COX, OWLETT, HAMM,  
ZIMMERMAN, MILLARD, JOZWIAK, PENNYCUICK, METCALFE, HERSHEY,  
PICKETT, SONNEY, RAPP, SCHEMEL, DIAMOND, E. NELSON,  
B. MILLER, MALONEY, KLUNK AND LEWIS DELROSSO, APRIL 5, 2021

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REFERRED TO COMMITTEE ON EDUCATION, APRIL 5, 2021

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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 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Fairness in  
9 Women's Sports Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall  
12 have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Biological sex." For the purpose of this act, biological  
15 sex is based solely on an individual's reproductive organs,  
16 biology or genetics at birth.

17 Section 3. Designation of athletic teams.

1 (a) General rule.--Interscholastic, intercollegiate,  
2 intramural or club athletic teams or sports that are sponsored  
3 by a public primary or high school, a public institution of  
4 higher education or any school or institution where students or  
5 teams compete against a public school or institution of higher  
6 education must be expressly designated as one of the following  
7 based on biological sex:

8 (1) Male, men or boys.

9 (2) Female, women or girls.

10 (3) Coed or mixed.

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

14 Section 4. Protection for educational institutions.

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

22 Section 5. Cause of action.

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

30 (b) Retaliation.--A student who is subject to retaliation or

1 other adverse action by a school, institution of higher  
2 education or athletic association or organization as a result of  
3 reporting a violation of sections 3 and 4 to an employee or  
4 representative of the school, institution or athletic  
5 association or organization or to any Federal or State agency  
6 with oversight of schools or institutions of higher education in  
7 Pennsylvania may bring a cause of action for injunctive relief,  
8 damages, attorney fees and costs and any other relief available  
9 under law against the school, institution or athletic  
10 association or organization.

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

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

21 Section 6. Severability.

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

27 Section 7. Effective date.

28 This act shall take effect in 60 days.