

SENATE BILL No. 484

By Committee on Education

2-9

1 AN ACT concerning education; relating to student athletes; enacting the
2 fairness in women's sports act; restricting participation on women's
3 teams to female students; providing a cause of action for violations.
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. The provisions of sections 1 through 5, and amendments
7 thereto, shall be known and may be cited as the fairness in women's sports
8 act.

9 Sec. 2. (a) Interscholastic, intercollegiate, intramural or club athletic
10 teams or sports that are sponsored by a public elementary or secondary
11 school, a postsecondary educational institution, as such term is defined in
12 K.S.A. 74-3201b, and amendments thereto, or any school or other
13 postsecondary educational institution whose students or teams compete
14 against a public school or postsecondary educational institution shall be
15 expressly designated as one of the following based on biological sex:

- 16 (1) Males, men or boys;
- 17 (2) females, women or girls; or
- 18 (3) coed or mixed.

19 (b) Athletic teams or sports designated for females, women or girls
20 shall not be open to students of the male sex.

21 (c) (1) The Kansas state high school activities association shall adopt
22 rules and regulations for its member schools for the implementation of this
23 section.

24 (2) The state board of regents and the governing body for each
25 municipal university, community college and technical college shall adopt
26 rules and regulations for the postsecondary educational institutions
27 governed by each such entity, respectively, for the implementation of this
28 section.

29 Sec. 3. No governmental entity, licensing or accrediting organization
30 or athletic association or organization shall entertain a complaint, open an
31 investigation or take any other adverse action against a school or
32 postsecondary educational institution for maintaining separate
33 interscholastic, intercollegiate, intramural or club athletic teams or sports
34 for students of the female sex.

35 Sec. 4. (a) Any student who is deprived of an athletic opportunity or
36 suffers any direct or indirect harm as a result of a violation of section 2,

1 and amendments thereto, shall have a private cause of action for injunctive
2 relief, damages and any other relief available under law against the school
3 or postsecondary educational institution.

4 (b) Any student who is subject to retaliation or other adverse action
5 by a school, postsecondary educational institution or athletic association or
6 organization as a result of reporting a violation of section 2, and
7 amendments thereto, to an employee or representative of such school,
8 postsecondary educational institution or athletic association or
9 organization, or to any state or federal agency with oversight of schools or
10 postsecondary educational institutions in this state, shall have a private
11 cause of action for injunctive relief, damages and any other relief available
12 under law against the school, institution or athletic association or
13 organization.

14 (c) Any school or postsecondary educational institution that suffers
15 any direct or indirect harm as a result of a violation of section 2 or 3, and
16 amendments thereto, shall have a private cause of action for injunctive
17 relief, damages and any other relief available under law against the
18 governmental entity, licensing or accrediting organization or athletic
19 association or organization.

20 (d) All civil actions shall be initiated within two years after the harm
21 occurred. Persons or organizations who prevail on a claim brought
22 pursuant to this section shall be entitled to monetary damages, including
23 for any psychological, emotional and physical harm suffered, reasonable
24 attorney fees and costs and any other appropriate relief.

25 Sec. 5. The provisions of sections 1 through 4, and amendments
26 thereto, are hereby declared to be severable. If any provision of sections 1
27 through 4, and amendments thereto, or the application thereof to any
28 person or circumstance is held invalid, the invalidity shall not affect other
29 provisions or applications of sections 1 through 4, and amendments
30 thereto, that can be given effect without the invalid provision or
31 application.

32 Sec. 6. This act shall take effect and be in force from and after its
33 publication in the statute book.