

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 4245

6 By: Hasenbeck

7 COMMITTEE SUBSTITUTE

8 An Act relating to student athletics; creating the
9 Save Women's Sports Act; providing definitions;
10 requiring certain athletic teams to be designated
11 based on biological sex; requiring execution of
12 affidavit; requiring certain notification;
13 prohibiting certain teams from being open to students
14 of certain sex; creating causes of action for certain
15 students; prohibiting certain groups from taking
16 actions against schools for maintaining athletic
17 teams or sports for students of the female sex;
18 creating a cause of action for certain schools;
19 requiring causes of action to be initiated in certain
20 time frame; providing for award of damages, fees and
21 costs; providing for codification; providing an
22 effective date; and declaring an emergency.

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24 SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 27-201 of Title 70, unless there
is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Save
Women's Sports Act".

B. As used in this section:

1 1. "School" means a public school district or public charter
2 school in this state or an institution within The Oklahoma State
3 System of Higher Education;

4 2. "School athletic association" shall have the same meaning as
5 provided for in Section 27-102 of Title 70 of the Oklahoma Statutes;
6 and

7 3. "Intercollegiate association" shall mean a national
8 association that sets eligibility requirements for participation in
9 sports at the collegiate level and that provides the coordination,
10 supervision and regulation of intercollegiate competitions.

11 C. Athletic teams that are sponsored by a public school or
12 private school whose students or teams compete against a school
13 shall be expressly designated as one of the following based on
14 biological sex:

- 15 1. "Males", "men" or "boys";
- 16 2. "Females", "women" or "girls"; or
- 17 3. "Coed" or "mixed".

18 D. Prior to the beginning of each school year, the parent or
19 legal guardian of a student who competes on a school athletic team
20 shall sign an affidavit acknowledging the biological sex of the
21 student at birth. If the student is eighteen (18) years of age or
22 older, the student who competes on a school athletic team shall sign
23 an affidavit acknowledging his or her biological sex at birth. If
24 there is any change in the status of the biological sex of the

1 student, the affiant shall notify the school within thirty (30) days
2 of such change.

3 E. 1. Athletic teams designated for "females", "women" or
4 "girls" shall not be open to students of the male sex.

5 2. Any student who is deprived of an athletic opportunity or
6 suffers any direct or indirect harm as a result of a violation of
7 paragraph 1 of this subsection shall have a cause of action for
8 injunctive relief, damages, and any other available relief
9 permitted by law against the school.

10 3. Any student who is subject to retaliation or other adverse
11 action by a school, school athletic association or intercollegiate
12 association as a result of reporting a violation of paragraph 1 of
13 this subsection to an employee or representative of the school,
14 school athletic association or intercollegiate association or to any
15 state or federal agency with oversight of schools in this state
16 shall have a cause of action for injunctive relief, damages, and any
17 other available relief permitted by law against the school, school
18 athletic association, or intercollegiate association.

19 F. 1. The State Board of Education, the Oklahoma State Regents
20 for Higher Education and any school athletic association or
21 intercollegiate association of which a school is a member shall be
22 prohibited from entertaining a complaint, opening an investigation
23 or taking any other adverse action against a school for maintaining
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1 athletic teams or sports for students of the female sex as provided
2 for in subsection E of this section.

3 2. Any school that suffers any direct or indirect harm as a
4 result of a violation of paragraph 1 of this subsection shall have a
5 cause of action for injunctive relief, damages and any other relief
6 permitted by law against the State Board of Education, the Oklahoma
7 State Regents for Higher Education, school athletic association or
8 intercollegiate association.

9 G. Causes of action authorized by this section shall be
10 initiated within two (2) years after the harm occurred. Persons or
11 associations that prevail on a claim brought pursuant to this
12 section shall be entitled to monetary damages including for any
13 psychological, emotional and physical harm suffered, reasonable
14 attorney fees and costs and any other appropriate relief permitted
15 by law.

16 SECTION 2. This act shall become effective July 1, 2022.

17 SECTION 3. It being immediately necessary for the preservation
18 of the public peace, health or safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

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