

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 2

By: Bergstrom of the Senate

and

Hasenbeck and **Dills** of the
House

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10 COMMITTEE SUBSTITUTE

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

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 27-105 of Title 70, unless there
is created a duplication in numbering, reads as follows:

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

3 B. As used in this section:

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

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

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

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

- 18 1. "Males", "men" or "boys";
19 2. "Females", "women" or "girls"; or
20 3. "Coed" or "mixed".

21 D. 1. Athletic teams designated for "females", "women" or
22 "girls" shall not be open to students of the male sex.

23 2. Any student who is deprived of an athletic opportunity or
24 suffers any direct or indirect harm as a result of a violation of

1 paragraph 1 of this subsection shall have a cause of action for
2 injunctive relief, damages and any other relief available permitted
3 by law against the school.

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

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

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

3 F. Causes of action authorized by this section shall be
4 initiated within two (2) years after the harm occurred. Persons or
5 associations that prevail on a claim brought pursuant to this
6 section shall be entitled to monetary damages including for any
7 psychological, emotional and physical harm suffered, reasonable
8 attorney fees and costs and any other appropriate relief permitted
9 by law.

10 SECTION 2. This act shall become effective July 1, 2021.

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

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16 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
17 dated 04/08/2021 - DO PASS, As Amended and Coauthored.

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