

House File 184 - Introduced

HOUSE FILE 184

BY SALMON

A BILL FOR

1 An Act relating to student participation in interscholastic or
2 intramural athletic teams or sports based on biological sex.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 261I.1 Short title.

2 This chapter shall be known and may be cited as the "*Save*
3 *Women's Sports Act*".

4 Sec. 2. NEW SECTION. 261I.2 Definition.

5 As used in this chapter, "*educational institution*" means a
6 public or accredited nonpublic school, regents institution,
7 community college, or any other institution of higher
8 education that is a member of the national collegiate athletic
9 association, national association of intercollegiate athletics,
10 or national junior college athletic association.

11 Sec. 3. NEW SECTION. 261I.3 Designation of athletic teams
12 or sports by sex — eligibility.

13 1. Interscholastic or intramural athletic teams or sports
14 that are sponsored by an educational institution shall be
15 expressly designated as one of the following based on the
16 biological sex of the participating students:

- 17 a. Males, men, or boys.
- 18 b. Females, women, or girls.
- 19 c. Coed or mixed.

20 2. Notwithstanding section 216.9, students of the male sex
21 shall be ineligible to participate in athletic teams or sports
22 designated for females, women, or girls.

23 Sec. 4. NEW SECTION. 261I.4 Disputes of biological sex.

24 If the biological sex of a student is disputed, the student
25 may establish the student's sex by presenting a signed
26 statement by a licensed physician that indicates the student's
27 sex based solely upon all of the following factors:

- 28 1. The student's internal and external reproductive
29 anatomy.
- 30 2. The student's normal, endogenously produced levels of
31 testosterone.
- 32 3. An analysis of the student's genetic makeup.

33 Sec. 5. NEW SECTION. 261I.5 Adverse action against
34 educational institutions prohibited.

35 Notwithstanding section 216.9, a government entity,

1 licensing or accrediting organization, or athletic association
2 or organization shall not consider a complaint, open an
3 investigation, or take any other adverse action against
4 an educational institution for maintaining separate
5 interscholastic or intramural athletic teams or sports for
6 students of the female sex.

7 Sec. 6. NEW SECTION. 261I.6 Causes of action — damages.

8 1. A student who is deprived of an athletic opportunity or
9 suffers any direct or indirect harm as a result of a violation
10 of this chapter by an educational institution shall have a
11 private cause of action for injunctive relief, damages, and any
12 other relief available provided by law against the educational
13 institution.

14 2. A student who is subject to retaliation or other adverse
15 action by an educational institution or athletic association
16 or organization as a result of reporting a violation of this
17 chapter to an employee or representative of the institution
18 or athletic association or organization or to any state or
19 federal agency with oversight of educational institutions in
20 this state shall have a private cause of action for injunctive
21 relief, damages, and any other relief provided by law against
22 the institution or athletic association or organization.

23 3. An educational institution that suffers any direct or
24 indirect harm by a government entity, licensing or accrediting
25 organization, or athletic association or organization as a
26 result of a violation of this chapter shall have a private
27 cause of action for injunctive relief, damages, and any other
28 relief provided by law against the government entity, licensing
29 or accrediting organization, or athletic association or
30 organization.

31 4. A civil action under this section must be initiated
32 within two years after a violation of this chapter has
33 occurred. A person who prevails in such an action shall be
34 entitled to monetary damages, including for any psychological,
35 emotional, and physical harm suffered, if applicable,

1 reasonable attorney fees, and any other appropriate relief.

2 Sec. 7. NEW SECTION. 261I.7 Severability.

3 The provisions of this chapter are severable pursuant to
4 section 4.12.

5 EXPLANATION

6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 This bill requires that interscholastic or intramural
9 athletic teams or sports that are sponsored by an educational
10 institution be expressly designated based on the biological
11 sex of the participating students. The possible designations
12 are males, men, or boys; females, women, or girls; and coed
13 or mixed. Students of the male sex shall be ineligible to
14 participate in athletic teams or sports designated for females,
15 women, or girls, notwithstanding a provision of the Iowa civil
16 rights Act of 1965.

17 The bill defines "educational institution" as a public or
18 accredited nonpublic school, regents institution, community
19 college, or any other institution of higher education that
20 is a member of the national collegiate athletic association,
21 national association of intercollegiate athletics, or national
22 junior college athletic association.

23 If the biological sex of a student is disputed, the bill
24 authorizes the student to establish the student's sex by
25 presenting a signed statement by a licensed physician that
26 indicates the student's sex based solely upon the student's
27 internal and external reproductive anatomy, the student's
28 normal, endogenously produced levels of testosterone, and an
29 analysis of the student's genetic makeup.

30 The bill prohibits a government entity, licensing or
31 accrediting organization, or athletic association or
32 organization from considering a complaint, opening an
33 investigation, or taking any other adverse action against
34 an educational institution for maintaining separate
35 interscholastic or intramural athletic teams or sports for

1 students of the female sex, notwithstanding a provision of the
2 Iowa civil rights Act of 1965.

3 The bill provides for private causes of action for students
4 and educational institutions relating to violations of the
5 bill. A civil action must be initiated within two years after
6 a violation of the bill has occurred. A person who prevails
7 in such an action shall be entitled to monetary damages,
8 including for any psychological, emotional, and physical harm
9 suffered, if applicable, reasonable attorney fees, and any
10 other appropriate relief.

11 The bill contains severability provisions.

12 The bill shall be known and may be cited as the "save women's
13 sports Act".