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SENATE BILL NO. 962

Offered January 11, 2023

Prefiled January 6, 2023

A *BILL to amend the Code of Virginia by adding a section numbered 22.1-23.4, relating to elementary and secondary schools; athletics; participation in female sports; civil cause of action.*

Patrons—Peake and Reeves

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-23.4 as follows:

§ 22.1-23.4. Athletics; participation in female sports.

A. For purposes of this section, "school" means any public elementary or secondary school or any private elementary or secondary school that competes in sponsored athletic events against any such public school.

B. Notwithstanding any other provision of law, all athletic teams or squads at a school, whether a school athletic team or squad or an intramural athletic team or squad sponsored by such school, shall designate each such team or squad based on biological sex as follows:

1. For "males," "men," or "boys";

2. For "females," "women," or "girls"; or

3. As "coed" or "mixed" if participation on such team is open to both (i) males, men, or boys and (ii) females, women, or girls.

C. No student whose biological sex is male shall be permitted to participate on any school or intramural athletic team or squad designated for "females," "women," or "girls."

D. Nothing in this section shall be construed to:

1. Apply to physical education classes at schools; or

2. Restrict the eligibility of any student to participate on any school or intramural athletic team or squad designated for "males," "men," or "boys" or as "coed" or "mixed" pursuant to subsection B.

E. No government entity, licensing or accrediting organization, or athletic association or organization shall entertain a complaint, open an investigation, or take any other adverse action against a school for designating and maintaining separate athletic teams or squads for "females," "women," or "girls" pursuant to subdivision B 2.

F. Any student who (i) is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a school knowingly violating any provision of this section or (ii) is subject to retaliation or another adverse action by a school or athletic association or organization as a result of reporting a violation of any provision of this section to an employee or representative of a school or athletic association or organization, or to any state or federal agency with oversight of schools in the Commonwealth, shall have a cause of action for injunctive relief, damages, and any other relief available against the school or athletic association or organization.

G. Any school that suffers any direct or indirect harm as a result of a violation of this section by a government entity, licensing or accrediting organization, or athletic association or organization shall have a cause of action for injunctive relief, damages, and any other relief available against such entity, organization, or association.

H. All civil actions described in subsections F and G are required to be initiated within two years after the harm occurred. Any student or school that prevails in a cause of action pursuant to subsection F or G shall be entitled to monetary damages, including for any psychological, emotional, or physical harm suffered, reasonable attorney fees, and any other appropriate relief.

INTRODUCED

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