

Representative Kera Birkeland proposes the following substitute bill:

PRESERVING SPORTS FOR FEMALE STUDENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kera Birkeland

Senate Sponsor: _____

6	Cosponsors:	Steven J. Lund	Mark A. Strong
7	Cheryl K. Acton	Phil Lyman	Jordan D. Teuscher
8	Melissa G. Ballard	Michael J. Petersen	Norman K. Thurston
9	Jefferson S. Burton	Candice B. Pierucci	Christine F. Watkins
10	Steve R. Christiansen	Susan Pulsipher	Ryan D. Wilcox
11	Michael L. Kohler	Adam Robertson	
12	Karianne Lisonbee	Jeffrey D. Stenquist	



LONG TITLE

General Description:

16 This bill addresses the participation of students in athletic activities reserved for female
17 students in public education.

Highlighted Provisions:

- 19 This bill:
- 20 ▶ defines terms;
 - 21 ▶ requires schools and local education agencies to designate athletic teams by sex;
 - 22 ▶ prohibits a student of the male sex from competing against another school on a team
23 designated for female students;
 - 24 ▶ prohibits certain complaints or investigations based on a school or local education



- 25 agency maintaining separate athletic activities for female students;
- 26 ▶ provides for indemnification of local education agencies and schools; and
- 27 ▶ provides for severability.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 ENACTS:

- 34 **53G-6-901**, Utah Code Annotated 1953
- 35 **53G-6-902**, Utah Code Annotated 1953
- 36 **53G-6-903**, Utah Code Annotated 1953
- 37 **53G-6-904**, Utah Code Annotated 1953
- 38 **53G-6-905**, Utah Code Annotated 1953



40 *Be it enacted by the Legislature of the state of Utah:*

41 Section 1. Section **53G-6-901** is enacted to read:

42 **Part 9. Preserving Sports for Female Students**

43 **53G-6-901. Definitions.**

44 As used in this part:

45 (1) "Coed" or "mixed" means that a team is composed of members of both sexes who
46 traditionally compete together.

47 (2) "Interscholastic athletic activity" means that a student represents the student's
48 school or LEA in competition against another school or LEA in an athletic or sporting activity.

49 (3) "Sex" means the biological, physical condition of being male or female, determined
50 by an individual's genetics and anatomy at birth.

51 Section 2. Section **53G-6-902** is enacted to read:

52 **53G-6-902. Participation in school athletic activities.**

53 (1) Notwithstanding any state board rule:

54 (a) a public school or LEA, or a private school that competes against a public school or
55 LEA, shall expressly designate school athletic activities and teams as one of the following,

56 based on sex:

57 (i) "male" or "boys";

58 (ii) "female" or "girls"; or

59 (iii) "coed" or "mixed";

60 (b) a student of the male sex may not compete, and a public school or LEA may not
61 allow a student of the male sex to compete, with a team designated as "female" or "girls" in an
62 interscholastic athletic activity; and

63 (c) a government entity or licensing or accrediting organization may not entertain a
64 complaint, open an investigation, or take any other adverse action against a school or LEA
65 described in Subsection (1)(a) for maintaining separate school athletic activities for students of
66 the female sex.

67 (2) Nothing in this section prohibits an LEA or school from allowing a student of either
68 gender from participating with a team designated as "female" or "girls," consistent with school
69 policy, outside of competition in an interscholastic athletic activity, in accordance with
70 Subsection (1)(b).

71 Section 3. Section **53G-6-903** is enacted to read:

72 **53G-6-903. Committee study.**

73 The Education Interim Committee shall study findings from relevant athletic
74 organizations on the competitive advantage of males in sports.

75 Section 4. Section **53G-6-904** is enacted to read:

76 **53G-6-904. Severability.**

77 (1) If any provision of this part or the application of any provision of this part to any
78 person or circumstance is held invalid by a final decision of a court of competent jurisdiction,
79 the remainder of this part shall be given effect without the invalidated provision or application.

80 (2) The provisions of this part are severable.

81 Section 5. Section **53G-6-905** is enacted to read:

82 **53G-6-905. Indemnification.**

83 The state shall indemnify and hold harmless an LEA or school within the public
84 education system with a team that competes in an interscholastic athletic activity for any claims
85 or damages, including court costs and attorney fees, that:

86 (1) are brought to or incurred as a result of an action required of the LEA or school in

87 this part; and

88 (2) are not covered by the LEA or school's insurance policies or by any coverage

89 agreement issued by the State Risk Management Fund.