**South Carolina General Assembly**

124th Session, 2021-2022

**A193, R218, H4608**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Trantham, Oremus, Burns, McCravy, G.R. Smith, M.M. Smith, B. Cox, Bennett, McGarry, Taylor, Jones, Gilliam, Yow, Hixon, Hill, Gagnon, Whitmire, Haddon, Bannister, Magnuson, May, Dabney, Long, Willis, McCabe, A.M. Morgan, Bryant, V.S. Moss, Nutt, T. Moore, Forrest, Bailey, West, Thayer, White, McKnight, Atkinson, Fry, Caskey, Blackwell, Ballentine, Wooten, Huggins, Chumley and Hiott

Document Path: l:\council\bills\agm\18009wab22.docx

Companion/Similar bill(s): 531, 3477, 4153

Introduced in the House on January 11, 2022

Introduced in the Senate on April 6, 2022

Last Amended on May 4, 2022

Passed by the General Assembly on May 10, 2022

Governor's Action: May 16, 2022, Signed

Summary: Save Women's Sports Act

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/17/2021 House Prefiled

 11/17/2021 House Referred to Committee on **Education and Public Works**

 1/11/2022 House Introduced and read first time ([House Journal‑page 68](file:///h%3A%5Chj%5C20220111.docx))

 1/11/2022 House Referred to Committee on **Education and Public Works** ([House Journal‑page 68](file:///h%3A%5Chj%5C20220111.docx))

 1/12/2022 House Member(s) request name added as sponsor: Gilliam, Yow, Hixon

 1/25/2022 House Member(s) request name added as sponsor: Hill, Gagnon

 1/27/2022 House Member(s) request name added as sponsor: Whitmire

 2/8/2022 House Member(s) request name added as sponsor: Haddon, Bannister, Magnuson, May, Dabney, Long, Willis, McCabe, Morgan, Bryant, V.S.Moss, Nutt, T.Moore

 2/9/2022 House Member(s) request name added as sponsor: Forrest, Bailey

 2/15/2022 House Member(s) request name added as sponsor: West

 2/16/2022 House Member(s) request name added as sponsor: Thayer, White

 3/1/2022 House Member(s) request name added as sponsor: McKnight

 3/29/2022 House Member(s) request name added as sponsor: Atkinson

 3/31/2022 House Member(s) request name added as sponsor: Fry

 3/31/2022 House Committee report: Favorable **Education and Public Works** ([House Journal‑page 22](file:///h%3A%5Chj%5C20220331.docx))

 4/1/2022 Scrivener's error corrected

 4/5/2022 House Member(s) request name added as sponsor: Caskey, Blackwell

 4/5/2022 House Special order, set for Immediatley after the reading of H. 5216

 4/5/2022 House Member(s) request name added as sponsor: Ballentine, Wooten, Huggins, Chumley, Hiott

 4/5/2022 House Amended ([House Journal‑page 42](file:///h%3A%5Chj%5C20220405.docx))

 4/5/2022 House Read second time ([House Journal‑page 42](file:///h%3A%5Chj%5C20220405.docx))

 4/5/2022 House Roll call Yeas‑82 Nays‑28 ([House Journal‑page 135](file:///h%3A%5Chj%5C20220405.docx))

 4/6/2022 House Read third time and sent to Senate ([House Journal‑page 6](file:///h%3A%5Chj%5C20220406.docx))

 4/6/2022 House Roll call Yeas‑80 Nays‑24 ([House Journal‑page 7](file:///h%3A%5Chj%5C20220406.docx))

 4/6/2022 Senate Introduced and read first time

 4/6/2022 Senate Referred to Committee on **Education**

 4/28/2022 Senate Polled out of committee **Education** ([Senate Journal‑page 8](file:///h%3A%5Csj%5C20220428.docx))

 4/28/2022 Senate Committee report: Favorable **Education** ([Senate Journal‑page 8](file:///h%3A%5Csj%5C20220428.docx))

 4/28/2022 Senate Special order, set for April 28, 2022 ([Senate Journal‑page 112](file:///h%3A%5Csj%5C20220428.docx))

 4/29/2022 Scrivener's error corrected

 5/3/2022 Senate Read second time ([Senate Journal‑page 69](file:///h%3A%5Csj%5C20220503.docx))

 5/4/2022 Senate Amended ([Senate Journal‑page 59](file:///h%3A%5Csj%5C20220504.docx))

 5/4/2022 Senate Read third time and returned to House with amendments ([Senate Journal‑page 59](file:///h%3A%5Csj%5C20220504.docx))

 5/4/2022 Senate Roll call Ayes‑30 Nays‑10 ([Senate Journal‑page 59](file:///h%3A%5Csj%5C20220504.docx))

 5/10/2022 House Concurred in Senate amendment and enrolled ([House Journal‑page 606](file:///h%3A%5Chj%5C20220510.docx))

 5/10/2022 House Roll call Yeas‑70 Nays‑33 ([House Journal‑page 607](file:///h%3A%5Chj%5C20220510.docx))

 5/12/2022 Ratified R 218 ([Senate Journal‑page 224](file:///h%3A%5Csj%5C20220512.docx))

 5/16/2022 Signed By Governor

 5/31/2022 Effective date 05/16/22

 5/31/2022 Act No.  193

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4608&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[11/17/2021](file:///p%3A%5Cpprever%5C2021-22%5C4608_20211117.docx)

[3/31/2022](file:///p%3A%5Cpprever%5C2021-22%5C4608_20220331.docx)

[4/1/2022](file:///p%3A%5Cpprever%5C2021-22%5C4608_20220401.docx)

[4/5/2022](file:///p%3A%5Cpprever%5C2021-22%5C4608_20220405.docx)

[4/28/2022](file:///p%3A%5Cpprever%5C2021-22%5C4608_20220428.docx)

[4/29/2022](file:///p%3A%5Cpprever%5C2021-22%5C4608_20220429.docx)

[5/4/2022](file:///p%3A%5Cpprever%5C2021-22%5C4608_20220504.docx)

(A193, R218, H4608)

**AN ACT** **TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SAVE WOMEN’S SPORTS ACT” BY ADDING SECTION 59‑1‑500 SO AS TO EXPRESS LEGISLATIVE INTENT AND MAKE CERTAIN FINDINGS, TO PROVIDE ASSUMPTIONS CONCERNING THE CORRECTNESS OF BIOLOGICAL GENDER STATEMENTS ON OFFICIAL BIRTH CERTIFICATES OF STUDENTS, TO REQUIRE GENDER‑BASED OR COEDUCATIONAL DESIGNATION OF CERTAIN PUBLIC SCHOOL SPORTS TEAMS, TO PROVIDE SUCH SPORTS TEAMS DESIGNATED FOR MALES SHALL NOT BE OPEN TO STUDENTS OF THE FEMALE SEX UNLESS NO TEAM DESIGNATED FOR FEMALES IN THAT SPORT IS OFFERED AT THE SCHOOL IN WHICH THE STUDENT IS ENROLLED, TO PROVIDE SUCH SPORTS TEAMS DESIGNATED FOR FEMALES SHALL NOT BE OPEN TO STUDENTS OF THE MALE SEX, TO PROVIDE PRIVATE SCHOOLS OR PRIVATE INSTITUTIONS SPONSORING A SPORTS TEAM IN WHICH ITS STUDENTS OR TEAMS COMPETE AGAINST A PUBLIC SCHOOL OR INSTITUTION ALSO SHALL COMPLY WITH THESE PROVISIONS FOR THE APPLICABLE TEAM OR SPORT, AND TO PROVIDE REMEDIES FOR VIOLATIONS OF THE PROVISIONS OF THIS ACT; AND BY ADDING SECTION 59‑63‑72 SO AS TO PROVIDE PUBLIC SCHOOL DISTRICTS SUPPORTED BY STATE FUNDS SHALL NOT USE ANY FUNDS OR PERMIT ANY SCHOOL WITHIN THE DISTRICT TO USE ANY FUNDS TO JOIN, AFFILIATE WITH, PAY DUES OR FEES TO, OR IN ANY WAY FINANCIALLY SUPPORT ANY INTERSCHOLASTIC ATHLETIC ASSOCIATION, BODY, OR ENTITY UNLESS THE CONSTITUTION, RULES OR POLICIES OF THE ASSOCIATION, BODY, OR ENTITY RECOGNIZES, SANCTIONS, AND REGULATES INTERSCHOLASTIC COMPETITION OF WRESTLING TEAMS COMPOSED EXCLUSIVELY OF FEMALE STUDENTS.**

Whereas, the General Assembly finds that participation in extracurricular sports is beneficial for children and their development; and

Whereas, it is in the state’s best interest to ensure that fair opportunities are preserved for all children to compete in sports. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

**Citation**

SECTION 1. This act must be known and may be cited as the “Save Women’s Sports Act”.

**Intent and findings**

SECTION 2. (A) It is the intent of the General Assembly to maintain opportunities for female athletes to demonstrate their strength, skills, and athletic abilities, and to provide them with opportunities to obtain recognition and accolades, college scholarships, and numerous other long‑term benefits that result from participating and competing in athletic endeavors.

 (B) The General Assembly finds that:

 (1) maintaining the fairness for women’s athletic opportunities is an important state interest; and

 (2) requiring the designation of separate sex specific athletic teams or sports is necessary to maintain fairness for women’s athletic opportunities.

**Gender‑based and coeducational school sports teams, birth certificates, remedies**

SECTION 3. Article 5, Chapter 1, Title 59 of the 1976 Code is amended by adding:

 “Section 59‑1‑500. (A) For purposes of this section, a statement of a student’s biological sex on the student’s official birth certificate is considered to have correctly stated the student’s biological sex at birth if the statement was filed at or near the time of the student’s birth.

 (B)(1) Interscholastic, intercollegiate, intramural, or club athletic teams or sports that are sponsored by a public elementary or secondary school or public postsecondary institution must be expressly designated as one of the following based on the biological sex at birth of team members:

 (a) males, men, or boys;

 (b) females, women, or girls; or

 (c) coed or mixed, including both males and females.

 (2) Athletic teams or sports designated for males, men, or boys shall not be open to students of the female sex, unless no team designated for females in that sport is offered at the school in which the student is enrolled.

 (3) Athletic teams or sports designated for females, women, or girls shall not be open to students of the male sex.

 (4) A private school or a private institution sponsoring an athletic team or sport in which its students or teams compete against a public school or institution must also comply with this section for the applicable team or sport.

 (C)(1) A student who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a violation of this section may initiate a cause of action against the school or postsecondary institution as provided in subsection (C)(4).

 (2) A student who is subject to retaliation or other adverse action by a school, postsecondary institution, or athletic association or organization as a result of reporting a violation of this section to an employee or representative of the school, institution, or athletic association or organization, or to any state or federal agency with oversight of schools or postsecondary institutions in this State, may initiate a cause of action against the school, postsecondary institution, or athletic association or organization as provided in subsection (C)(4).

 (3) A school or postsecondary institution that suffers any direct or indirect harm as a result of a violation of this section may initiate a cause of action against the governmental entity, licensing or accrediting organization or athletic association or organization as provided in subsection (C)(4).

 (4) An action arising under this section must be commenced within two years after the alleged injury and subject to the South Carolina Tort Claims Act, as provided in Section 15‑78‑10, et seq.”

**Interscholastic competition regulation, wrestling teams**

SECTION 4. Article 1, Chapter 63, Title 59 of the 1976 Code is amended by adding:

 “Section 59‑63‑72. A public school district supported by state funds shall not use any funds or permit any school within the district to use any funds to join, affiliate with, pay dues or fees to, or in any way financially support any interscholastic athletic association, body, or entity unless the constitution, rules or policies of the association, body, or entity recognizes, sanctions, and regulates interscholastic competition of wrestling teams composed exclusively of female students.”

**Severability**

SECTION 5. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

**Time effective**

SECTION 6. This act takes effect upon approval by the Governor.

Ratified the 12th day of May, 2022.

Approved the 16th day of May, 2022.

\_\_\_\_\_\_\_\_\_\_