**A** **BILL**

TO ENACT THE “SAVE WOMEN’S SPORTS ACT”; TO AMEND ARTICLE 5, CHAPTER 1, TITLE 59 OF THE 1976 CODE, RELATING TO MISCELLANEOUS EDUCATIONAL PROVISIONS, BY ADDING SECTION 59‑1‑500, TO PROVIDE THAT PUBLIC AND PRIVATE MIDDLE SCHOOL‑LEVEL AND HIGH SCHOOL‑LEVEL TEAMS AND SPORTS MUST BE DESIGNATED BASED ON BIOLOGICAL SEX, TO PROVIDE THAT TEAMS OR SPORTS DESIGNATED FOR FEMALES MUST BE RESTRICTED TO STUDENTS OF THE FEMALE SEX, TO PROVIDE CERTAIN PROTECTIONS FOR PUBLIC AND PRIVATE SCHOOLS, AND TO PROVIDE CERTAIN RELIEF FOR VIOLATIONS.

Whereas, the General Assembly finds that there are two biological sexes, female and male, and that the sex of a person is objectively determined by the genetics and anatomy existing at the time of birth; and

Whereas, the General Assembly finds that there are inherent differences between men and women and that these differences remain cause for celebration, not for the denigration of the members of either sex or for artificial constraints on an individual’s opportunity; and

Whereas, the General Assembly finds that, while classifications based on sex are generally disfavored, the Supreme Court has recognized that sex classifications may be used to compensate women for particular economic disabilities they have suffered, to promote equal employment opportunity, and to advance the full development of the talent and capacities of our nation’s people; and

Whereas, the General Assembly finds that the one place where sex classifications allow for the full development of the talent and capacities of our nation’s people is in the context of sports and athletics; and

Whereas, the General Assembly finds that having separate sex‑specific teams furthers efforts to promote sex equality by providing opportunities for female athletes to demonstrate their skill, strength, and athletic abilities while also providing them with opportunities to obtain recognition and accolades, college scholarships, and numerous other long‑term benefits that arise from success in athletic endeavors. Now, therefore,

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

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

SECTION 2. Article 5, Chapter 1, Title 59 of the 1976 Code is amended by adding:

“Section 59‑1‑500. (A)(1) A middle school‑level or high school‑level interscholastic or intramural athletic team or sport that is sponsored by a public school or a private school, if the school’s students or teams compete against a public school, must be expressly designated as one of the following based on biological sex:

(a) ‘males’, ‘men’, or ‘boys’;

(b) ‘females’, ‘women’, or ‘girls’; or

(c) ‘coed’ or ‘mixed’.

(2) An athletic team or sport that is designated for ‘females’, ‘women’, or ‘girls’ must not be open to students of the male sex.

(B) A governmental entity, a licensing or accrediting organization, or an athletic association or organization may not entertain a complaint, open an investigation, or take another adverse action against a school for maintaining separate interscholastic or intramural athletic teams or sports for students of the female sex.

(C) A student who is deprived of an athletic opportunity or who suffers direct or indirect harm as a result of a violation of this section has a private cause of action for injunctive relief, damages, and other relief available under the law against a school.

(D) A student who is subject to retaliation or another adverse action by a school or athletic association or organization as a result of reporting a violation of this section to an employee or representative of the school or athletic association or organization, or to a state or federal agency with oversight of schools in the State, has a private cause of action for injunctive relief, damages, and other relief available under the law against the school or athletic association or organization.

(E) A school that suffers direct or indirect harm as a result of a violation of this section has a private cause of action for injunctive relief, damages, and other relief available under the law against a governmental entity, licensing or accrediting organization, or athletic association or organization.

(F) A civil action brought pursuant to this section must be initiated within two years after the harm occurred. A person or organization that prevails on a claim brought pursuant to this section is entitled to:

(1) monetary damages, including for psychological, emotional, or physical harm suffered;

(2) reasonable attorneys’ fees and costs; and

(3) other relief considered appropriate by the court.”

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then 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.

SECTION 4. This act takes effect upon approval by the Governor.

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