**South Carolina General Assembly**

124th Session, 2021-2022

**H. 4153**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Trantham, McCravy, Burns, Oremus, Stringer, B. Cox, Jones, Willis, Carter, V.S. Moss, G.R. Smith, Bannister, Wooten, Ballentine, Bryant, Huggins, D.C. Moss, Haddon, Martin, Bennett, McCabe, May, Dabney, McGarry, Nutt, Morgan, Magnuson, Hyde, T. Moore, Ligon, Bustos, Hixon, Taylor, Blackwell, McKnight, Alexander, Chumley, Long, Simrill, Herbkersman, Erickson, Bailey, Yow, Whitmire, Fry, Sandifer, Jordan, Lowe, Hardee, McGinnis, Brittain, J.E. Johnson, West, Thayer, Crawford, Gatch, M.M. Smith and Daning

Document Path: l:\council\bills\rt\17022sa21.docx

Companion/Similar bill(s): 531, 3477, 4608

Introduced in the House on April 6, 2021

Currently residing in the House Committee on **Judiciary**

Summary: Save Women's Sports Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/6/2021 House Introduced and read first time ([House Journal‑page 118](file:///h:\hj\20210406.docx))

4/6/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 118](file:///h:\hj\20210406.docx))

4/7/2021 House Member(s) request name added as sponsor: M.M.Smith

6/21/2021 House Member(s) request name added as sponsor: Daning

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**VERSIONS OF THIS BILL**

[4/6/2021](file:///p:\pprever\2021-22\4153_20210406.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SAVE WOMEN’S SPORTS ACT” BY ADDING SECTION 59‑1‑500 SO AS TO ENSURE CONTINUED INCLUSIVITY OF FEMALES IN THE SCHOOL SPORTS ARENA BY PROVIDING 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 MAY BE RESTRICTED TO STUDENTS OF THE FEMALE SEX, TO PROVIDE FOR CERTAIN PROTECTIONS FOR PUBLIC AND PRIVATE SCHOOLS, AND TO PROVIDE CERTAIN RELIEF FOR VIOLATIONS.

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:

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 whose 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 designated for ‘females’, ‘women’, or ‘girls’ may 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 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 law against the school.

(D) A student who is subject to retaliation or other 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 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 law against the 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, and 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, 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 , 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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