



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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*This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.*

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<b>Bill Number:</b>	H. 3477	Introduced on January 12, 2021
<b>Author:</b>	Trantham	
<b>Subject:</b>	Save Women's Sports Act	
<b>Requestor:</b>	House Judiciary	
<b>RFA Analyst(s):</b>	Wren and Gardner	
<b>Impact Date:</b>	March 2, 2021	

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### **Fiscal Impact Summary**

This bill requires middle school-level and high school-level interscholastic or intramural athletic teams or sports that are sponsored by a public school or a private school whose students or teams compete against a public school to be expressly designated based on biological sex. The designations are males, men, or boys; females, women, or girls; or coed or mixed. The bill further provides for the legal action that may be taken if a student or school suffers direct or indirect harm as a result of the provisions of this bill.

This bill will have no expenditure impact on the State Department of Education (SDE) since any expenses associated with legal costs can be managed within current appropriations.

This bill is not expected to have an expenditure impact on the state agency schools since we anticipate that any expenses resulting from the provisions of the bill can be managed within each agency's current appropriations.

This bill will have no expenditure impact on the Judicial Department. The changes resulting from the provisions of the bill will have a minimal impact on the Judicial Branch and can be managed within their existing appropriations.

This bill will have no expenditure impact on local school districts since any expenses associated with legal costs can be managed within the existing budgets of the local districts.

### **Explanation of Fiscal Impact**

#### **Introduced on January 12, 2021**

#### **State Expenditure**

This bill requires middle school-level and high school-level interscholastic or intramural athletic teams or sports that are sponsored by a public school or a private school whose students or teams compete against a public school to be expressly designated based on biological sex. The designations are males, men, or boys; females, women, or girls; or coed or mixed. Athletic teams or sports designated for females, women, or girls may not be open to male students.

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 female students. A student who is deprived of an athletic opportunity or suffers direct or indirect harm as a result of the provisions of the bill has a private cause of action for injunctive relief, damages, and other relief available under law against the school. Additionally, 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 to an employee or representative of the school, athletic association or organization, or to a state or federal agency with oversight of schools has a private cause of action for injunctive relief, damages, and other relief available under law against the school or athletic association or organization. A school that suffers direct or indirect harm as a result of a violation of this bill 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. A civil action brought pursuant to this bill must be initiated within two years after the harm occurred. A person or organization that prevails on a claim pursuant to the provisions of this bill is entitled to monetary damages, reasonable attorney's fees, and other relief considered appropriate by the court.

**State Department of Education.** SDE indicates that while the bill does not alter the duties or responsibilities of the agency, it could experience some legal costs associated with the bill. However, any expenses associated with legal costs can be managed within current appropriations. Therefore, the bill will have no expenditure impact on SDE.

**State Agency Schools.** This bill will have no expenditure impact on the Wil Lou Gray Opportunity School, the Governor's School for the Arts and Humanities, or the Governor's School for Science and Mathematics since the bill does not alter the duties or responsibilities of the agencies. Also, the Governor's School for Agriculture at John de la Howe indicates that any expenses associated with the bill can be managed within current appropriations. Based upon these responses, we anticipate that any expenses for the School for the Deaf and Blind can be managed within existing appropriations. Therefore, this bill is not expected to have an expenditure impact on the state agency schools.

**Judicial Department.** The department indicates this legislation creates a new cause of action and there is no data available to estimate the number of filings, hearings, or trials that may be impacted as a result. The department reports that these changes will have a minimal impact on the Judicial Branch and can be managed within their existing appropriations. Therefore, the bill will have no expenditure impact on the department.

#### **State Revenue**

N/A

#### **Local Expenditure**

This bill requires middle school-level and high school-level interscholastic or intramural athletic teams or sports that are sponsored by a public school or a private school whose students or teams compete against a public school to be expressly designated based on biological sex. The

designations are males, men, or boys; females, women, or girls; or coed or mixed. Athletic teams or sports designated for females, women, or girls may not be open to male students. Further, the bill provides for the legal action that may be taken if a student or school suffers direct or indirect harm as a result of the provisions of this bill.

SDE surveyed the seventy-nine regular school districts and received responses from thirty-five districts. The responding districts indicate that the bill will have no expenditure impact since it does not alter the duties or responsibilities of the districts. However, SDE indicates that there could be some expenses associated with legal costs, but expects the expenses can be managed within the existing budgets of the districts. Therefore, the bill will have no expenditure impact on local school districts.

**Local Revenue**

N/A



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Frank A. Rainwater, Executive Director