POLLED OUT OF COMMITTEE

April 28, 2022

**H. 4608**

Introduced by 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, Morgan, Bryant, V.S. Moss, Nutt, T. Moore, Forrest, Bailey, West, Thayer, White, McKnight, Atkinson, Fry, Caskey, Blackwell, Ballentine, Wooten, Huggins, Chumley and Hiott

S. Printed 4/28/22--S.

Read the first time April 6, 2022.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Bill (H. 4608) 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 , etc., respectfully

**REPORT:**

Has polled the Bill out of committee without report.

**A** **BILL**

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 REQUIRE GENDER‑BASED OR COEDUCATIONAL DESIGNATION OF CERTAIN PUBLIC SECONDARY AND POSTSECONDARY SCHOOL SPORTS TEAMS; TO PROVIDE SUCH SPORTS TEAMS DESIGNATED FOR MALES MAY BE OPEN TO FEMALE STUDENT PARTICIPANTS; TO PROVIDE SUCH SPORTS TEAMS DESIGNATED FOR FEMALES MAY NOT BE OPEN TO MALE PARTICIPANTS; TO PROVIDE ASSUMPTIONS CONCERNING THE CORRECTNESS OF BIOLOGICAL GENDER STATEMENTS ON OFFICIAL BIRTH CERTIFICATES OF STUDENTS; AND TO PROVIDE REMEDIES TO STUDENTS AND SCHOOLS FOR VIOLATIONS OF THE PROVISIONS OF THIS ACT.

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) The intent of the General Assembly is 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 the numerous other long‑term benefits that result from participating and competing in athletic endeavors.

(2) The General Assembly finds that:

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

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

(B)(1) Interscholastic, intercollegiate, intramural, or club athletic teams or sports that are sponsored by a public 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 may be open to students of the female sex.

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

(4) 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.

(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 has a private cause of action for injunctive relief, damages, and any other relief available under law against the school or public postsecondary institution.

(2) A student who is subject to retaliation or other adverse action by a school, public 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 public postsecondary institutions in this State, has a private cause of action for injunctive relief, damages, and any other relief available under law against the school, institution, or athletic association or organization.

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

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

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

(b) reasonable attorney fees and costs; and

(c) any other appropriate relief.”

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. 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.”

SECTION 5. This act takes effect upon approval by the Governor.

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