

SB 375 - AS AMENDED BY THE SENATE

04/05/2024 1335s

2024 SESSION

24-2964

02/08

SENATE BILL

**375**

AN ACT

relative to biological sex in student athletics.

SPONSORS:

Sen. Avar, Dist 12; Sen. Gendreau, Dist 1; Sen. Ward, Dist 8; Sen. Gannon, Dist 23; Sen. Lang, Dist 2; Sen. Pearl, Dist 17; Sen. Abbas, Dist 22; Rep. Cushman, Hills. 28; Rep. Notter, Hills. 12; Rep. Mooney, Hills. 12; Rep. Hill, Merr. 2; Rep. Kofalt, Hills. 32

COMMITTEE:

Education

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AMENDED ANALYSIS

This bill requires school sports teams to be expressly designated as male, female, or coed, prohibits biologically male students from participating in female designated sports or entering female locker rooms, and creates a cause of action for athletes harmed as a result of violations of these requirements.

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Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears ~~[in brackets and struckthrough.]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Four*

AN ACT relative to biological sex in student athletics.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Short Title. This act shall be known as the Protection of Women's Sports Act.  
2 2 New Chapter; School Athletics. Amend RSA by inserting after chapter 193-J the following  
3 new chapter:

4 CHAPTER 193-K  
5 SCHOOL ATHLETICS

6 193-K:1 School Athletics Designated by Biological Sex.

7 I. Any interscholastic, intercollegiate, athletic team, sport, or athletic event that is  
8 sponsored or sanctioned by a school, school district, or organization under the control of the state  
9 board of education, or an institution of higher education under either the university system or the  
10 community college system shall be designated as one of the following, based on the biological sex at  
11 birth of the participating athletes:

- 12 (a) Females, women, or girls;
- 13 (b) Males, men, or boys; or
- 14 (c) Coeducational, mixed, or unified.

15 II. This chapter shall not apply to grades K-5.

16 III. This chapter shall not apply to intramural or club sports.

17 IV. For purposes of this section, biological sex is either female or male as described by the  
18 sex listed on the athlete's official birth certificate issued at or near the time of the athlete's birth.

19 V. Any team, sport, or athletic event designated for females, women, or girls shall only be  
20 open to students of the female sex.

21 VI. Any team, sport, or athletic event designated for males, men, or boys shall be open to  
22 students of either sex.

23 VII. Any school, school district, activities association, or organization under the control of  
24 the state board of education, or an institution of higher education under either the university system  
25 or the community college system that provides locker room facilities in connection with an athletic  
26 event shall provide separate facilities for male and female participants based on the biological sex.

27 193-K:2 Cause of Action for Affected Athlete.

28 I. Any athlete who suffers direct or indirect harm as a result of a violation of RSA 193-K:1,  
29 shall have a private cause of action for injunctive relief and any other equitable relief available  
30 under law, against the school, school district, activities association or organization, or institution of  
31 higher education that caused the harm.

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1           II. Any athlete who is subjected to retaliation or other adverse action by a school, school  
2 district, activities association or organization, or institution of higher education as a result of  
3 reporting a violation of RSA 193-K:1 to an employee or representative of the school, school district,  
4 activities association or organization, institution of higher education, or to a state or federal  
5 governmental entity having oversight authority, shall have a private cause of action for injunctive  
6 relief and any other equitable relief available under law, against the school, school district, activities  
7 association or organization, or institution of higher education.

8           III. Any party prevailing on a claim brought under this section shall be entitled to  
9 reasonable attorney's fees and costs.

10         193-K:3 Limitations Upon Actions; Attorney's Fees.

11         No governmental entity, school, school district, or institution of higher education shall be liable  
12 to any athlete for its compliance with RSA 193-K:1.

13         3 Effective Date. This act shall take effect July 1, 2024.