

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 331

By: Bergstrom

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5
6 AS INTRODUCED

7 An Act relating to student athletics; creating the
8 Save Women's Sports Act; providing short title;
9 providing definitions; requiring certain athletic
10 teams to be designated based on biological sex;
11 prohibiting certain teams from being open to students
12 of certain sex; creating causes of action for certain
13 students; prohibiting the State Board of Education,
14 the Oklahoma State Regents for Higher Education and
15 certain associations from taking certain actions
16 against schools for maintaining athletic teams or
17 sports for students of the female sex; creating a
18 cause of action for certain schools; requiring causes
19 of action to be initiated in certain time frame;
20 providing for award of damages, fees and costs;
21 providing for codification; providing an effective
22 date; and declaring an emergency.

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24 SECTION 1. NEW LAW A new section of law to be codified
25 in the Oklahoma Statutes as Section 27-105 of Title 70, unless there
26 is created a duplication in numbering, reads as follows:

27 A. This act shall be known and may be cited as the "Save
28 Women's Sports Act".

29 B. As used in this section:

1 1. "School" means a public school district or public charter
2 school in this state or an institution within The Oklahoma State
3 System of Higher Education;

4 2. "School athletic association" shall have the same meaning as
5 provided for in Section 27-102 of Title 70 of the Oklahoma Statutes;
6 and

7 3. "Intercollegiate association" shall mean a national
8 association that sets eligibility requirements for participation in
9 sports at the collegiate level and that provides the coordination,
10 supervision and regulation of the intercollegiate competitions.

11 C. Athletic teams that are sponsored by a school or sponsored
12 by a private school whose students or teams compete against a school
13 shall be expressly designated as one of the following based on
14 biological sex:

- 15 1. "Males", "men" or "boys";
- 16 2. "Females", "women" or "girls"; or
- 17 3. "Coed" or "mixed".

18 D. 1. Athletic teams designated for "females", "women" or
19 "girls" shall not be open to students of the male sex.

20 2. Any student who is deprived of an athletic opportunity or
21 suffers any direct or indirect harm as a result of a violation of
22 paragraph 1 of this subsection shall have a cause of action for
23 injunctive relief, damages and any other relief available permitted
24 by law against the school.

1 3. Any student who is subject to retaliation or other adverse
2 action by a school, school athletic association or intercollegiate
3 association as a result of reporting a violation of paragraph 1 of
4 this subsection to an employee or representative of the school,
5 school athletic association or intercollegiate association or to any
6 state or federal agency with oversight of schools in this state
7 shall have a cause of action for injunctive relief, damages and any
8 other relief available permitted by law against the school, school
9 athletic association or intercollegiate association.

10 E. 1. The State Board of Education, the Oklahoma State Regents
11 for Higher Education and any school athletic association or
12 intercollegiate association of which a school is a member shall be
13 prohibited from entertaining a complaint, opening an investigation
14 or taking any other adverse action against a school for maintaining
15 athletic teams or sports for students of the female sex as provided
16 for in subsection D of this section.

17 2. Any school that suffers any direct or indirect harm as a
18 result of a violation of paragraph 1 of this subsection shall have a
19 cause of action for injunctive relief, damages and any other relief
20 permitted by law against the State Board of Education, the Oklahoma
21 State Regents for Higher Education, school athletic association or
22 intercollegiate association.

23 F. Causes of action authorized by this section shall be
24 initiated within two (2) years after the harm occurred. Persons or
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1 associations that prevail on a claim brought pursuant to this
2 section shall be entitled to monetary damages including for any
3 psychological, emotional and physical harm suffered, reasonable
4 attorney fees and costs and any other appropriate relief permitted
5 by law.

6 SECTION 2. This act shall become effective July 1, 2021.

7 SECTION 3. It being immediately necessary for the preservation
8 of the public peace, health or safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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