

The Senate Committee on Education and Youth offered the following substitute to SB 1:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to
2 provide generally for competitively fair and safe student participation in school and college
3 sports; to provide for legislative findings and intent; to provide for a short title; to promote
4 fair and safe competition; to provide for equal athletic opportunities and safety; to provide
5 for specific designations of teams operated or sponsored by local school systems, public
6 schools, participating private schools, and postsecondary educational institutions in this state;
7 to prohibit males from participating in interscholastic and intercollegiate competitions on
8 teams designated as female; to prohibit females from participating in competition on
9 intercollegiate teams designated as male, subject to exceptions; to provide for such
10 exceptions; to provide for interscholastic coed team designations; to provide for the use of
11 student eligibility rules, standards, and classifications; to provide for exceptions to general
12 provisions; to require multiple occupancy restrooms and changing areas and sleeping
13 quarters to be designated for exclusive use by males or females; to provide for reasonable
14 accommodations; to provide for exceptions; to prohibit postsecondary educational
15 institutions that are covered entities from hosting or sponsoring intercollegiate competitions
16 that allow males to participate with teams designated as female or use multiple occupancy
17 restrooms or changing areas and sleeping quarters designated for use by females; to prohibit
18 such covered entities from awarding to males scholarships intended for female team

19 members; to provide for policies, rules, and regulations; to provide for investigation of
20 complaints of noncompliance; to provide for sanctions; to provide for a cause of action; to
21 provide for definitions; to provide for statutory construction; to provide for related matters;
22 to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 **SECTION 1.**

25 (a) The General Assembly finds that:

- 26 (1) There are inherent physical differences between males and females;
27 (2) Decisions regarding the regulation of sports should be based on promoting and
28 preserving competitive fairness and protecting student safety;
29 (3) Protecting student athletes from harm and promoting and preserving the competitive
30 fairness of sports are important state interests; and
31 (4) Requiring the designation of separate, sex-specific athletic teams and sports is
32 necessary to protect student athletes from harm and to promote and preserve the
33 competitive fairness of sports.

34 (b) It is the intent of the General Assembly that:

- 35 (1) Student athletes have competitively fair and safe opportunities to participate and
36 succeed in sports; and
37 (2) Female student athletes have fair opportunities to demonstrate their strength, skills, and
38 athletic abilities and to obtain recognition, accolades, college scholarships, and the
39 numerous other long-term benefits that result from participating and competing in sports.

40 **SECTION 2.**

41 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in
42 Part 14 of Article 6 of Chapter 2, relating to other educational programs under the "Quality

43 Basic Education Act," by revising Code Section 20-2-315, relating to gender discrimination
44 prohibited, authorized separate gender teams, equal athletic opportunity, physical education
45 classes, employee designated to monitor compliance, grievance procedures, and reporting
46 requirements, as follows:

47 "20-2-315.

48 (a) This Code section shall be known and may be cited as the 'Fair and Safe Athletic
49 Opportunities Act.'

50 (b) As used in this Code section, the term:

51 (1) 'Coed' means the inclusion of both males and females.

52 (2) 'Compete,' 'competitive,' or 'competition' means a contest of teams in a sport. Such
53 term shall not include practices, exhibitions, or scrimmages.

54 (3) 'Contact sport' means a sport the purpose or a substantial component of which
55 involves bodily contact. Such term includes, but shall not be limited to, basketball,
56 boxing, football, ice hockey, lacrosse, martial arts, soccer, rugby, and wrestling.

57 (4) 'Covered entity' means local school systems, public schools, and participating private
58 schools.

59 (5) 'Female' means an individual who has, had, will have, or, but for a developmental
60 or genetic anomaly or historical accident, would have the reproductive system capable
61 of producing human ovum.

62 (6) 'Male' means an individual who has, had, will have, or, but for a developmental or
63 genetic anomaly or historical accident, would have the reproductive system capable of
64 producing human sperm.

65 (7) 'Multiple occupancy restroom or changing area' means an area in a covered entity's
66 building that is designed or designated to be used by one or more individuals of the same
67 sex at the same time and in which one or more individuals may be in various stages of
68 undress in the presence of other individuals. Such term includes, but shall not be limited
69 to:

70 (A) Restrooms;

71 (B) Locker rooms;

72 (C) Changing rooms; and

73 (D) Shower rooms.

74 (8) 'Participating private school' means a private school in this state which operates or
75 sponsors one or more teams that compete against one or more teams operated or
76 sponsored by a local school system or public school in this state or that participate in
77 competitions that are organized, sanctioned, or scheduled by an athletic association with
78 members that include public schools.

79 (9) 'Sex' means a student's biological sex based exclusively on the student's reproductive
80 biology and genetics at birth. For purposes of this Code section, a statement of a student's
81 biological sex on the student's official birth certificate shall be deemed to have correctly
82 stated such student's biological sex at birth if the statement was included on such birth
83 certificate at or near the time of the student's birth.

84 (10) 'Sleeping quarters' means a room with a bed in which more than one individual is
85 housed overnight.

86 (11) 'Sport' means an organized activity involving skill and physical effort undertaken
87 by one or more teams according to established rules. Such term includes each such
88 organized activity regardless of whether it is designated as a sport, an activity, or another
89 similar designation by an athletic association that meets the requirements of Code
90 Sections 20-2-316 through 20-2-316.3, 20-2-319, and 20-2-319.6.

91 (12) 'Student athlete' means a student enrolled at a covered entity who participates or is
92 eligible to participate on any sport or team. A student who is permanently ineligible to
93 participate on a particular sport or team is not a student athlete for the purposes of such
94 sport or team.

95 (13) 'Team' means a single student or a group of students operated and sponsored by a
96 covered entity for the purpose of participating in a sport.

97 ~~(a)(c)(1) No student shall, on the basis of sex gender, be excluded from participation in,~~
 98 ~~be denied the benefits of, be treated differently from another student, or otherwise be~~
 99 ~~discriminated against in any interscholastic or intramural athletics offered sport operated~~
 100 ~~or sponsored by a local school system or a public school, and no local school system shall~~
 101 ~~provide any such athletics separately on such basis.~~

102 ~~(b)(2) A Notwithstanding the requirements of subsection (a) of this Code section, a local~~
 103 ~~school system or public school shall be authorized to may operate or sponsor separate~~
 104 ~~teams for members of each gender sex where selection for such teams is based upon~~
 105 ~~competitive skill, competitive fairness, student safety, or the activity sport involved is a~~
 106 ~~contact sport. However, where a local school system operates or sponsors a team in a~~
 107 ~~particular sport for members of one gender but operates or sponsors no such team for~~
 108 ~~members of the other gender, and athletic opportunities for members of that gender in~~
 109 ~~that particular sport have previously been limited, members of the excluded gender must~~
 110 ~~be allowed to try out for the team offered unless the sport involved is a contact sport.~~
 111 ~~Nothing in this subsection shall be construed to limit the authority of a local school~~
 112 ~~system to operate or sponsor a single team for a contact sport that includes members of~~
 113 ~~both genders. As used in this subsection, the term 'contact sport' includes boxing,~~
 114 ~~wrestling, rugby, ice hockey, football, basketball, and any other sport the purpose or~~
 115 ~~major activity of which involves bodily contact.~~

116 ~~(d)(1) For all interscholastic competitions, each covered entity shall designate each team~~
 117 ~~operated or sponsored by such covered entity as one of the following:~~

118 ~~(A) Male;~~

119 ~~(B) Female; or~~

120 ~~(C) Coed.~~

121 ~~(2) Males shall not be allowed to participate in any interscholastic competition on any~~
 122 ~~team that is designated as female.~~

123 (3) Females shall not be allowed to participate in any interscholastic competition on any
 124 team that is designated as male; provided, however, that females may be allowed to
 125 participate in an interscholastic competition on a team that is designated as male if a
 126 corresponding team designated for females is not offered or available for interscholastic
 127 competitions.

128 (4) Any student shall be allowed to participate in any interscholastic competition on a
 129 team that is designated as coed.

130 (5) Nothing in this subsection shall be construed to prohibit males from participating in
 131 practices, exhibitions, or scrimmages with teams designated as female.

132 ~~(e)~~(e)(1) A local school system or public school which operates or sponsors
 133 interscholastic or intramural ~~athletics~~ teams shall undertake all reasonable efforts to
 134 provide equal athletic opportunity for members of both ~~genders~~ sexes. In determining
 135 whether equal opportunities are available, the following factors shall be considered:

136 ~~(1)~~(A) Whether the selection of sports and levels of competition effectively
 137 accommodate the interests and abilities of members of both ~~genders~~ sexes;

138 ~~(2)~~(B) The provision of equipment and supplies;

139 ~~(3)~~(C) Scheduling of games and practice time;

140 ~~(4)~~(D) Travel allowance;

141 ~~(5)~~(E) Opportunity to receive coaching and academic tutoring;

142 ~~(6)~~(F) Assignment and compensation of coaches and tutors;

143 ~~(7)~~(G) Provision of ~~locker rooms~~ multiple occupancy restroom or changing areas and
 144 practice and competitive facilities;

145 ~~(8)~~(H) Provision of medical and training facilities and services; and

146 ~~(9)~~(I) Publicity.

147 (2) Unequal aggregate expenditures for members of each gender sex or unequal
 148 expenditures for male and female teams if a local school system or public school operates
 149 or sponsors separate teams ~~will~~ shall not constitute noncompliance with this subsection;

150 ~~but, provided, however, that~~ the failure to provide essential funds for the basic operations
151 of teams for one gender sex may be considered in assessing equality of opportunity for
152 members of each gender sex.

153 (3) Nothing in Code Section 20-2-411 shall be construed to limit the authority of a local
154 school system or public school to expend school tax funds as authorized by Article VIII,
155 Section VI, Paragraph I(b) of the Constitution in order to comply with the requirements
156 of this Code section.

157 ~~(d)(f)(1) Each covered entity shall~~ A local school system may provide separate toilet,
158 locker room, and shower facilities multiple occupancy restrooms or changing areas and
159 sleeping quarters on the basis of ~~gender, but~~ sex, and such facilities shall be comparable
160 to such facilities provided for students of the other gender sex.

161 (2)(A) No covered entity shall operate or sponsor one or more teams in any
162 interscholastic competition involving a local school system or public school that
163 permits a male to use any multiple occupancy restroom or changing area or sleeping
164 quarters designated for females in conjunction with such competition.

165 (B) No covered entity shall operate or sponsor one or more teams in any interscholastic
166 competition involving a local school system or public school that permits a female to
167 use any multiple occupancy restroom or changing area or sleeping quarters designated
168 for males in conjunction with such competition.

169 (3)(A) To ensure the privacy and safety of student athletes, each covered entity that
170 operates or sponsors one or more teams in any interscholastic competition involving a
171 local school system or public school shall, in conjunction with such competition:

172 (i) Designate each multiple occupancy restroom or changing area and sleeping
173 quarters for exclusive use by males or for exclusive use by females; and

174 (ii) Provide a reasonable accommodation to individuals who are unwilling or unable
175 to use a multiple occupancy restroom or changing area or sleeping quarters designated
176 for each such individual's sex.

177 (B) A reasonable accommodation under this paragraph may include, but shall not be
178 limited to, allowing such individual to access a single occupancy restroom or changing
179 area or sleeping quarters.

180 (C) A reasonable accommodation under this paragraph shall not include allowing such
181 individual to access a multiple or single occupancy restroom or changing area or
182 sleeping quarters that is designated for use by members of the other sex while members
183 of the other sex of the individual are present or may be present in such restroom or
184 changing area or sleeping quarters.

185 ~~(e)~~(g) This Code section ~~does~~ shall not prohibit the grouping of students in physical
186 education classes by ~~gender~~ sex.

187 ~~(f)~~(h)(1) Subject to the provisions of paragraph (3) of this subsection, if a local school
188 system or public school sponsors ~~an athletic activity or a~~ sport at a particular school that
189 is similar to a sport for which an institution in the University System of Georgia offers
190 an athletic scholarship, it ~~must~~ shall sponsor the ~~athletic activity or~~ sport for which a
191 scholarship is offered at that school. This paragraph ~~does~~ shall not affect academic
192 requirements for participation nor prevent the local school system or public school from
193 sponsoring activities in addition to those for which scholarships are provided.

194 (2) Two ~~athletic activities or~~ sports that are similar may be offered simultaneously.

195 (3) If a local school system or public school demonstrates by a bona fide survey of
196 eligible students at the school, which is approved by the Department of Education for
197 compliance with generally accepted opinion survey principles regarding neutral wording
198 and other matters, that there is insufficient interest among students at the school to field
199 a team described in paragraph (1) of this subsection, then the local school system or
200 public school shall not be required to sponsor such ~~athletic activity or~~ sport at that school.
201 The exemption provided for by this paragraph shall be valid for 24 months following the
202 date when the most recent bona fide student survey demonstrating a lack of student
203 interest was completed, unless a new bona fide student survey is conducted within the 24

204 month period that demonstrates sufficient interest to field a team. If such a new bona fide
 205 student survey demonstrates such sufficient interest, then the local school system or
 206 public school shall ~~must~~ comply with paragraph (1) of this subsection during the ~~local~~
 207 ~~school system's~~ next fiscal school year and until such time as a new bona fide student
 208 survey demonstrates insufficient interest to field a team described in paragraph (1) of this
 209 subsection. A local school system or public school shall conduct the bona fide student
 210 survey described in this paragraph regarding interest in a team described in paragraph (1)
 211 of this subsection upon the request of nine students at the school, but no more frequently
 212 than once every 12 months.

213 (4) Nothing in this subsection shall be construed to preclude the application of generally
 214 applicable policies or rules regarding the cancellation of ~~an athletic activity or a sport~~ due
 215 to lack of student participation in scheduled practices or ~~contests~~ competitions.

216 ~~(g)~~(i) Each ~~local school system~~ covered entity shall designate at least one employee to
 217 coordinate its efforts to comply with and carry out its responsibilities under this Code
 218 section, including the investigation of any complaint communicated to such ~~local school~~
 219 ~~system~~ covered entity alleging its noncompliance with this Code section. The employee
 220 designated under this subsection may be the same ~~person~~ individual required to be
 221 designated under 34 C.F.R. Section 106.8, as it existed on June 30, 2024. Each covered
 222 entity ~~The local school system~~ annually shall annually notify all its students of the name,
 223 office address, and office telephone number of the employee or employees appointed
 224 pursuant to this subsection. Such notification may be included in a student ~~handbook~~ code
 225 of conduct distributed pursuant to Code Section 20-2-736.

226 ~~(h)~~(j) Each local ~~school system~~ covered entity shall adopt and publish grievance
 227 procedures providing for prompt and equitable resolution of written student complaints,
 228 including complaints brought by a parent or guardian on behalf of his or her minor child
 229 who is a student, alleging any action which would be a violation of this Code section. Such
 230 procedures shall require that:

231 (1)(A) Except as provided in subparagraph (B) of this paragraph, the ~~The~~ employee
232 designated under subsection ~~(g)~~ (i) of this Code section shall render his or her decision
233 in writing no later than 30 days after receipt of the complaint, and such decision shall
234 set forth the essential facts and rationale for the decision;

235 (B)(i) A student who is aggrieved by an alleged violation or anticipated violation of
236 this Code section or his or her parent or guardian shall have a right to file a complaint
237 with the employee designated in subsection (i) of this Code section with a request for
238 an expedited preliminary determination as to whether a violation of this Code section
239 exists or is about to occur.

240 (ii) If an alleged violation or anticipated violation of this Code section is
241 preliminarily determined by the employee designated in subsection (i) of this Code
242 section to have occurred or is reasonably likely to occur, such designated employee
243 shall issue a preliminary decision immediately and shall be authorized to direct in
244 writing that the alleged violation or anticipated violation cease and desist pending a
245 final resolution of such complaint.

246 (iii) If a complaint with a request for an expedited preliminary determination brought
247 pursuant to this subparagraph is rejected in whole or in part by the employee
248 designated in subsection (i) of this Code section, such designated employee shall
249 render his or her decision rejecting such complaint in writing to the complainant, and
250 such decision shall set forth the essential facts and rationale for the decision;

251 (2) A copy of such decision shall be provided to the complainant ~~within five days of as~~
252 soon as practicable but not later than the second business day following the date of the
253 decision; and

254 (3) A complainant shall have a right to appeal such decision to the local board of
255 education or other public school governing body, in the case of a public school, or the
256 participating private school's governing body, in the case of a participating private school,
257 within 35 days of the date of the decision. A ruling on such appeal shall be rendered in

258 writing in writing no later than 35 days after receipt of the appeal, and such decision shall
259 set forth the essential facts and rationale for the ruling.

260 ~~(i)~~~~(k)~~(1) A complainant may appeal a decision of a local board that is rendered under
261 subsection ~~(h)~~ (j) of this Code section in accordance with the procedures specified in
262 Code Section 20-2-1160. If the State Board of Education determines that a local school
263 system or public school has failed to comply with this Code section, then the state board
264 shall provide the local school system or public school with opportunities to prepare a
265 corrective plan. If the state board determines that a corrective plan of the local school
266 system or public school adequately plans and provides for future compliance with this
267 Code section, then the state board shall approve the plan and direct the local school
268 system or public school to implement such plan.

269 (2) If, upon a complaint filed pursuant to subsection ~~(h)~~ (j) of this Code section after one
270 year following the date of a state board order directing implementation of a corrective
271 plan pursuant to paragraph (1) of this subsection but within four years of the date of such
272 order, the state board determines that the local school system or public school which was
273 subject to such order has willfully failed to comply with this Code section, the state board
274 may, after consideration of the local school system's or public school's efforts to
275 implement the corrective plan approved in the earlier proceeding and of any other
276 corrective plan that may be submitted by the local school system or public school,
277 transmit a certification of such determination to the Department of Community Affairs.
278 If the state board's determination of noncompliance is later reversed or vacated upon
279 appeal, the state board shall immediately notify the Department of Community Affairs
280 of such action.

281 (3) If, upon a complaint filed pursuant to subsection ~~(h)~~ (j) of this Code section after one
282 year following the date of a state board certification to the Department of Community
283 Affairs pursuant to paragraph (2) of this subsection but within four years of the date of
284 such order, the state board determines that the local school system or public school which

285 was subject to such order has willfully failed to comply with this Code section, the state
286 board may, after consideration of the local school system's or public school's efforts to
287 implement a corrective plan approved in an earlier proceeding and of any other corrective
288 plan that may be submitted by the local school system or public school, order that a team
289 or teams within the local school system or public school ~~within the local school system~~
290 shall not participate in interscholastic postseason ~~athletic contests~~ competitions and that
291 participation in violation of such an order may result in withholding of state funds allotted
292 pursuant to Code Section 20-2-186. An order of the state board barring participation in
293 interscholastic postseason ~~athletic contests~~ competitions shall be made and announced
294 before the beginning of a school year.

295 (4) If, upon a complaint filed pursuant to subsection ~~(h)~~ (j) of this Code section after one
296 year following the date of a state board order prohibiting participation in interscholastic
297 postseason ~~athletic contests~~ competitions pursuant to paragraph (3) of this subsection but
298 within four years of the date of such order, the state board determines that the local
299 school system or public school which was subject to such order has willfully failed to
300 comply with this Code section, the state board may, after consideration of the local school
301 system's or public school's efforts to implement a corrective plan approved in an earlier
302 proceeding and of any other corrective plan that may be submitted by the local school
303 system or public school, withhold state funds that are allotted pursuant to Code
304 Section 20-2-186 in an amount that the state board determines is sufficient to secure the
305 local school system's or public school's compliance with this Code section. In the event
306 that state funds are withheld pursuant to this paragraph, such funds shall later be allotted
307 to the local school system or public school at such time as the state board determines that
308 the local school system or public school is in compliance with this Code section.

309 ~~(j)~~(l) The Department of Education may publish an annual report of local school systems
310 and public schools which may ~~to~~ include information regarding expenditures and

311 participation rates for each gender sex and such other information as the state board and
312 department deem relevant.

313 (m)(1) In addition to any other rights or remedies otherwise provided by law, any
314 student:

315 (A) Who is deprived of an athletic opportunity or suffers any direct or indirect harm
316 as a result of a violation of this Code section shall have a private cause of action for
317 injunctive relief, damages, and any other relief available under law. If an aggrieved
318 student or such student's parent or guardian is the prevailing party in such action, such
319 student or such student's parent or guardian shall be entitled to an award of monetary
320 damages, including for any psychological, emotional, or physical harm suffered,
321 reasonable attorney's fees, court costs, and expenses of litigation, and any other
322 appropriate relief; or

323 (B) Who is subject to retaliation or other adverse action by a covered entity or a local,
324 state, regional, or national athletic conference or association as a result of reporting a
325 violation of this Code section to an employee or representative such covered entity,
326 athletic association or conference, or to any state or federal agency with oversight over
327 covered entities in this state, shall have a private cause of action for injunctive relief,
328 damages, and any other relief available under law. If an aggrieved student or such
329 student's parent or guardian is the prevailing party in such action, the student or
330 student's parent or guardian is the prevailing party in such action, such student shall be
331 entitled to an award of monetary damages, including for any psychological, emotional,
332 or physical harm suffered, reasonable attorney's fees, court costs, and expenses of
333 litigation, and any other appropriate relief.

334 (2) All civil actions brought under this subsection shall be initiated within two years after
335 the alleged harm occurred.

336 (n) Nothing in this Code section shall be construed to authorize or require a local school
 337 system, a public school, or any employee or agent thereof to confirm the sex of a student
 338 by visual inspection of such student's exterior sex organs.

339 (o) Nothing in this Code section shall be construed to abrogate or otherwise affect the
 340 operation or application of the federal Individuals with Disabilities Education Act (IDEA),
 341 Section 504 of the federal Rehabilitation Act of 1973, or the federal Americans with
 342 Disabilities Act of 1990."

343 **SECTION 3.**

344 Said title is further amended in said part by revising paragraph (1) of subsection (b) and
 345 subparagraph (c)(1)(E) of Code Section 20-2-316, relating to involvement of athletic
 346 association in high school athletics, as follows:

347 "(1) The athletic association shall comply with the requirements of subsections (a)
 348 through ~~(f)~~ (h) of Code Section 20-2-315, as those requirements relate to the athletic
 349 association's functions of organizing, sanctioning, scheduling, or rule making for events
 350 in which public high schools participate;"

351 "(E) The authority and duties of the executive oversight committee shall include:

352 (i) To meet in person or remotely not less than twice each school year;

353 (ii) To meet in person or remotely upon the call of the chairperson or a majority of
 354 the executive oversight committee;

355 (iii) To establish policies and procedures for the executive oversight committee;

356 (iv) To conduct any independent audit, review, or investigation the executive
 357 oversight committee deems necessary, including, but not limited to, the audit, review,
 358 or investigation of the classifications of participating schools and ~~travel-related~~ travel
 359 related issues of participating schools; and

360 ~~(v) If the athletic association determines that it is necessary and appropriate to~~
 361 ~~prohibit students whose gender is male from participating in athletic events that are~~

362 ~~designated for students whose gender is female, then the athletic association may~~
 363 ~~adopt a policy to that effect, provided, however, that such policy shall be applied to~~
 364 ~~all of the athletic association's participating public high schools, and~~
 365 (vi) To conduct an annual evaluation of the athletic association as a whole and
 366 present a report of its findings, recommendations, and conclusions to the General
 367 Assembly's High School Athletics Overview Committee; and"

368 **SECTION 4.**

369 Said title is further amended in Article 1 of Chapter 3, relating to postsecondary education
 370 generally, by designating Code Section 20-3-1, relating to definitions, as Part 1, and by
 371 adding a new part to read as follows:

372 "Part 3

373 20-3-15.

374 As used in this part, the term:

375 (1) 'Competition' means a contest of teams in a sport. Such term shall not include
 376 practices, exhibitions, or scrimmages.

377 (2) 'Covered entity' means Georgia state schools and participating nonstate schools.

378 (3) 'Female' means an individual who has, had, will have, or, but for a developmental or
 379 genetic anomaly or historical accident, would have the reproductive system capable of
 380 producing human ovum.

381 (4) 'Georgia state school' means a postsecondary educational institution which is:

382 (A) An institution of the University System of Georgia; or

383 (B) A unit of the Technical College System of Georgia.

384 (5) 'Governing body' means the individual or entity responsible for establishing the
 385 policies, rules, and regulations for a covered entity, including, but not limited to, such

386 policies, rules, and regulations for the operation of such covered entity's athletic
387 department, if any, and the operation or sponsorship of such covered entity's
388 intercollegiate competitions, sports, and teams. Such term shall not include any local,
389 state, regional, or national athletic conference or athletic association.

390 (6) 'Male' means an individual who has, had, will have, or, but for a developmental or
391 genetic anomaly or historical accident, would have the reproductive system capable of
392 producing human sperm.

393 (7) 'Multiple occupancy restroom or changing area' means an area in a postsecondary
394 educational institution's building that is designed or designated to be used by one or more
395 individuals of the same sex at the same time and in which one or more individuals may
396 be in various stages of undress in the presence of other individuals. Such term includes,
397 but shall not be limited to:

398 (A) Restrooms;

399 (B) Locker rooms;

400 (C) Changing rooms; and

401 (D) Shower rooms.

402 (8) 'Participating nonstate school' means a private postsecondary educational institution
403 that is eligible for tuition equalization grants in accordance with the provisions of Code
404 Section 20-3-411 or any other private or public postsecondary educational institution that
405 is not a Georgia state school whose students or teams participate in intercollegiate
406 competitions against students or teams from a Georgia state school in this state; provided,
407 however, that such term shall apply to such an institution only when and to the extent that
408 such institution is participating in an intercollegiate competition against a Georgia state
409 school in this state; and provided, further, that such term shall not apply to institutions
410 when participating in intercollegiate competitions in this state exclusively against one or
411 more other such institutions.

412 (9) 'Sex' means a student's biological sex based exclusively on the student's reproductive
413 biology and genetics at birth. For purposes of this Code section, a statement of a student's
414 biological sex on the student's official birth certificate shall be deemed to have correctly
415 stated such student's biological sex at birth if the statement was included on such birth
416 certificate at or near the time of the student's birth.

417 (10) 'Sleeping quarters' means a room with a bed in which more than one individual is
418 housed overnight.

419 (11) 'Sport' means an organized activity involving skill and physical effort undertaken
420 by one or more teams according to established rules.

421 (12) 'Student athlete' means a student enrolled at a covered entity who participates in or
422 is eligible to participate on any sport or team. A student who is permanently ineligible
423 to participate on a particular sport or team is not a student athlete for the purposes of such
424 sport or team.

425 (13) 'Team' means a single student or a group of students operated and sponsored by a
426 covered entity for the purpose of participating in a sport.

427 20-3-16.

428 (a) Each governing body in this state shall adopt such policies, rules, and regulations as
429 necessary to ensure the following for all intercollegiate competitions involving covered
430 entities in this state:

431 (1) Each covered entity shall designate each team operated or sponsored by such covered
432 entity as one of the following:

433 (A) Male; or

434 (B) Female;

435 (2)(A) Males shall not be allowed to participate in any intercollegiate competition in
436 this state on any team that is designated as female;

437 (B) Females shall not be allowed to participate in any intercollegiate competition in
438 this state on any team that is designated as male; provided, however, that females may
439 be allowed to participate in an intercollegiate competition in this state on a team that
440 is designated as male if a corresponding team designated for females is not offered or
441 available for intercollegiate competitions;

442 (3)(A) Multiple occupancy restrooms or changing areas and sleeping quarters shall be
443 available to student athletes on the basis of sex and such facilities shall be comparable
444 to such facilities provided for students of the other sex;

445 (B) No covered entity shall operate or sponsor one or more teams in any intercollegiate
446 competition in this state that permits a male to use any multiple occupancy restroom or
447 changing area or sleeping quarters designated for use by females in conjunction with
448 such competition;

449 (C) No covered entity shall operate or sponsor one or more teams in any intercollegiate
450 competition in this state that permits a female to use any multiple occupancy restroom
451 or changing area or sleeping quarters designated for use by males in conjunction with
452 such competition;

453 (D) To ensure the privacy and safety of student athletes, each covered entity that
454 operates or sponsors one or more teams in any intercollegiate competition shall, in
455 conjunction with such competition:

456 (i) Designate each multiple occupancy restroom or changing area and sleeping
457 quarters for exclusive use by males or for exclusive use by females; and

458 (ii) Provide a reasonable accommodation to individuals who are unwilling or unable
459 to use a multiple occupancy restroom or changing area or sleeping quarters designated
460 for each such individual's sex; and

461 (E)(i) A reasonable accommodation under this paragraph may include, but shall not
462 be limited to, allowing such individual to access a single occupancy restroom or
463 changing area or sleeping quarters; and

464 (ii) A reasonable accommodation under this paragraph shall not include allowing
465 such individual to access a multiple or single occupancy restroom or changing area
466 or sleeping quarters that is designated for use by members of the other sex while
467 members of the other sex of the individual are present or may be present in such
468 restroom or changing area or sleeping quarters;

469 (4) No covered entity shall host, sponsor, or participate in any intercollegiate competition
470 in this state that permits a male to:

471 (A) Participate in any intercollegiate competition in this state on any team that is
472 designated as female; or

473 (B) Use any multiple occupancy restroom or changing area or sleeping quarters
474 designated for use by females in conjunction with such competition; and

475 (5) No covered entity shall award to a male an athletic scholarship allocated to,
476 associated with, or otherwise intended for a female team member.

477 (b) Nothing in this Code section shall be construed to prohibit males from participating in
478 practices, exhibitions, or scrimmages with teams designated as female; provided, however,
479 that nothing in this subsection shall be construed to permit a male to receive a scholarship
480 in conjunction with such participation.

481 (c) Any covered entity or governing body that violates any provision of subsection (a) of
482 this Code section shall be subject to the withholding of state funding. Such withholding
483 of state funding may include funds provided to one or more postsecondary educational
484 institutions or governing bodies directly, as well as funding for scholarships, loans, and
485 grants pursuant to this chapter for students of such postsecondary educational institutions.

486 (d)(1) In addition to any other rights or remedies otherwise provided by law, any student:

487 (A) Who is deprived of an athletic opportunity or suffers any direct or indirect harm
488 as a result of a violation of this Code section shall have a private cause of action for
489 injunctive relief, damages, and any other relief available under law. If an aggrieved
490 student is the prevailing party in such action, such student shall be entitled to an award

491 of monetary damages, including for any psychological, emotional, or physical harm
492 suffered, reasonable attorney's fees, court costs, and expenses of litigation, and any
493 other appropriate relief; or

494 (B) Who is subject to retaliation or other adverse action by a covered entity, a
495 governing body, or a local, state, regional, or national athletic conference or athletic
496 association as a result of reporting a violation of this Code section to an employee or
497 representative such covered entity, governing body, athletic conference or athletic
498 association, or to any state or federal agency with oversight over postsecondary
499 educational institutions in this state, shall have a private cause of action for injunctive
500 relief, damages, and any other relief available under law. If an aggrieved student is the
501 prevailing party in such action, such student shall be entitled to an award of monetary
502 damages, including for any psychological, emotional, or physical harm suffered,
503 reasonable attorney's fees, court costs, and expenses of litigation, and any other
504 appropriate relief.

505 (2) All civil actions brought under this subsection shall be initiated within two years after
506 the alleged harm occurred.

507 (e) Nothing in this Code section shall be construed to abrogate or otherwise affect the
508 operation or application of Section 504 of the federal Rehabilitation Act of 1973, the
509 federal Americans with Disabilities Act of 1990, or the federal Health Insurance Portability
510 and Accountability Act of 1996, P.L. 104-191."

511 **SECTION 5.**

512 All laws and parts of laws in conflict with this Act are repealed.