

The House Committee on Education offers the following substitute to HB 267:

A BILL TO BE ENTITLED  
AN ACT

1 To amend various titles of the Official Code of Georgia Annotated so as to provide for  
2 separate restroom and changing areas for males and females in schools; to provide for  
3 sleeping arrangements on school trips to be made according to sex; to provide for rules and  
4 regulations; to provide for noncompliance; to provide for private causes of action; to provide  
5 for exceptions; to provide for certain athletic activities to be designated as either for males,  
6 females, or coeducational; to prohibit males from participating in certain athletic activities  
7 designated as being for females; to provide for a method to determine sex; to provide for  
8 schools to be protected from complaints for compliance with statutes; to provide for  
9 definitions throughout the Official Code of Georgia Annotated of certain terms relating to  
10 sex; to provide for legislative findings on the importance of certain distinctions between the  
11 sexes; to require any collector of vital statistics throughout this state to identify each  
12 individual as either male or female; to replace the term "gender" throughout the Code with  
13 "sex"; to provide for definitions; to provide for conforming changes; to provide for a short  
14 title; to provide for related matters; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **PART I**

17 **SECTION 1-1.**

18 This Act shall be known and may be cited as the "Riley Gaines Act."

19 **PART II**

20 **SECTION 2-1.**

21 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in Part  
22 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating  
23 to the health of elementary and secondary school students, by adding a new Code section to  
24 read as follows:

25 "20-2-771.3.

26 (a) As used in this Code section, the term:

27 (1) 'Athletic event' means any interscholastic or intramural contest, game, jamboree,  
28 scrimmage, tournament, showcase, combine, or tryout related to a sport or physical  
29 activity.

30 (2) 'Female' means an individual who has, had, or will have the reproductive system  
31 capable of the generation, migration, and utilization of eggs for fertilization, or would  
32 have such capabilities but for a developmental or genetic anomaly or historical accident.

33 (3) 'Male' means an individual who has, had, or will have the reproductive system  
34 capable of the generation, migration, and utilization of sperm for fertilization, or would  
35 have such capabilities but for a developmental or genetic anomaly or historical accident.

36 (4) 'Multiple occupancy restroom or changing area' means an area in a public school or  
37 local school system building that is designed or designated for use by student athletes  
38 during athletic events, to be used by one or more individuals at the same time, and in  
39 which one or more individuals may be in various stages of undress in the presence of

40 other individuals. Such term includes, but shall not be limited to, the following during  
41 athletic events:

42 (A) Restrooms;

43 (B) Locker rooms;

44 (C) Changing rooms; and

45 (D) Shower rooms.

46 (5) 'Sex' means an individual's biological sex, either male or female. An individual's sex  
47 can be observed or clinically verified at or before birth and in no case is an individual's  
48 sex determined by stipulation or self-identification.

49 (b) To ensure the privacy and safety of students, each public school or local school system  
50 in this state shall:

51 (1) Require each multiple occupancy restroom or changing area to be designated as  
52 follows:

53 (A) For the exclusive use by individuals whose sex is male; or

54 (B) For the exclusive use by individuals whose sex is female; and

55 (2)(A) Provide a reasonable accommodation to an individual who is unwilling or  
56 unable to use a multiple occupancy restroom or changing area designated for such  
57 individual's sex.

58 (B)(i) A reasonable accommodation under this paragraph shall include, but shall not  
59 be limited to, allowing such individual to access a single-occupancy restroom or  
60 changing area.

61 (ii) A reasonable accommodation under this paragraph shall not include allowing  
62 such individual to access a restroom or changing area that is designated for use by  
63 members of the opposite sex while members of the sex opposite to such individual are  
64 present or may be present in the restroom or changing area.

65 (c) This Code section shall not be construed or applied to prohibit an individual from  
66 entering a multiple occupancy restroom or changing area designated for use by individuals  
67 of the opposite sex when he or she enters such area for one of the following reasons:

68 (1) For authorized custodial, maintenance, or inspection purposes;

69 (2) To render emergency medical assistance;

70 (3) To address an ongoing emergency, including, but not limited to, a physical  
71 altercation;

72 (4) A minor child is accompanied by his or her parent or legal guardian who deems such  
73 entry necessary for the child's safety, welfare, or assistance; or

74 (5) The performance of official duties and responsibilities as authorized coaches and  
75 trainers for purposes directly related to the athletic event.

76 (d) Nothing in this Code section shall be construed or applied to prohibit a public school  
77 or local school system from adopting a policy that is necessary to accommodate individuals  
78 protected under the federal Americans with Disabilities Act of 1990, 42 U.S.C.  
79 Section 12101 et seq., as it existed on January 1, 2025, or young children who are in need  
80 of physical assistance when using a restroom or changing facility that is located in a public  
81 school or local school system; provided, however, that such policy shall not be contrary to  
82 or inconsistent with the provisions of subsections (a) through (c) of this Code section.

83 (e)(1) Except as provided in paragraph (2) of this subsection, a public school or local  
84 school system that sponsors or supervises an overnight trip in conjunction with an athletic  
85 event involving public school students shall ensure that a public school student attending  
86 the overnight trip either:

87 (A) Shares sleeping quarters with a member or, if necessary, multiple members, of the  
88 same sex; or

89 (B) Is provided single-occupancy sleeping quarters.

- 90 (2) A public school student attending an overnight trip in conjunction with an athletic  
91 event may share sleeping quarters with a member of the opposite sex if the member of  
92 the opposite sex is a member of such student's immediate family.
- 93 (f)(1) The Professional Standards Commission shall be authorized as provided in  
94 subsection (a) of Code Section 20-2-984.3 to investigate complaints alleging  
95 noncompliance with this Code section.
- 96 (2) Upon a finding of noncompliance with this Code section by the Professional  
97 Standards Commission, such noncompliant individual shall be subject to sanctions as  
98 determined by the Professional Standards Commission, as provided for in Code  
99 Section 20-2-984.5.
- 100 (g) A parent or legal guardian of a public school student shall have a cause of action  
101 against a public school or local school system if:
- 102 (1) Such student:
- 103 (A) Encounters a member of the opposite sex in a multiple occupancy restroom or  
104 changing area that is designated for individuals whose sex is the same as such student's  
105 sex if such member of the opposite sex received permission or direction from an  
106 official, employee, or agent of a public school or local school system to use such  
107 multiple occupancy restroom or changing area, except as provided in subsection (c) of  
108 this Code section; or
- 109 (B) Is required by an official, employee, or agent of a public school or local school  
110 system to share sleeping quarters with a member of the opposite sex who is not a family  
111 member of such student; or
- 112 (2) An official, employee, or agent of a public school or local school system is found to  
113 be noncompliant under subsection (f) of this Code section arising out of or related to an  
114 incident involving such student.
- 115 (h) The State Board of Education and the Professional Standards Commission shall  
116 promulgate rules and regulations to implement this Code section."

117 **SECTION 2-2.**

118 Said title is further amended in Article 1 of Chapter 3, relating to postsecondary education  
 119 generally, by adding a new part to read as follows:

120 "Part 3121 20-3-15.122 As used in this part, the term:

123 (1) 'Athletic event' means any intercollegiate or intramural contest, game, jamboree,  
 124 scrimmage, tournament, showcase, combine, or tryout related to a sport or physical  
 125 activity.

126 (2) 'Female' means an individual who has, had, or will have the reproductive system  
 127 capable of the generation, migration, and utilization of eggs for fertilization, or would  
 128 have such capabilities but for a developmental or genetic anomaly or historical accident.

129 (3) 'Male' means an individual who has, had, or will have the reproductive system  
 130 capable of the generation, migration, and utilization of sperm for fertilization, or would  
 131 have such capabilities but for a developmental or genetic anomaly or historical accident.

132 (4) 'Multiple occupancy restroom or changing area' means an area in a building that is  
 133 owned, occupied, or leased by a postsecondary education institution that is designed or  
 134 designated for use by student athletes during athletic events, to be used by one or more  
 135 individuals at the same time, and in which one or more individuals may be in various  
 136 stages of undress in the presence of other individuals. Such term includes, but shall not  
 137 be limited to, the following during athletic events:

138 (A) Restrooms;139 (B) Locker rooms;140 (C) Changing rooms; and141 (D) Shower rooms.

142 (5) 'Postsecondary education institution' means a school which is:

143 (A) An institution of the University System of Georgia;

144 (B) A unit of the Technical College System of Georgia; or

145 (C) A private postsecondary institution eligible for tuition equalization grants in  
146 accordance with the provisions of Code Section 20-3-411.

147 (6) 'Sex' means an individual's biological sex, either male or female. An individual's sex  
148 can be observed or clinically verified at or before birth and in no case is an individual's  
149 sex determined by stipulation or self-identification.

150 20-3-16.

151 (a) To ensure the privacy and safety of students, each postsecondary education institution  
152 in this state shall:

153 (1) Require each multiple occupancy restroom or changing area to be designated as  
154 follows:

155 (A) For the exclusive use by individuals whose sex is male; or

156 (B) For the exclusive use by individuals whose sex is female; and

157 (2)(A) Provide a reasonable accommodation to an individual who is unwilling or  
158 unable to use a multiple occupancy restroom or changing area designated for such  
159 individual's sex.

160 (B)(i) A reasonable accommodation under this paragraph shall include, but shall not  
161 be limited to, allowing such individual to access a single-occupancy restroom or  
162 changing area.

163 (ii) A reasonable accommodation under this paragraph shall not include allowing  
164 such individual to access a restroom or changing area that is designated for use by  
165 members of the opposite sex while members of the sex opposite to such individual are  
166 present or may be present in the restroom or changing area.

167 (b) This Code section shall not be construed or applied to prohibit an individual from  
168 entering a multiple occupancy restroom or changing area designated for use by individuals  
169 of the opposite sex when he or she enters such area for one of the following reasons:

170 (1) For authorized custodial, maintenance, or inspection purposes;

171 (2) To render emergency medical assistance;

172 (3) To address an ongoing emergency, including, but not limited to, a physical  
173 altercation;

174 (4) A minor child is accompanied by his or her parent or legal guardian who deems such  
175 entry necessary for the child's safety, welfare, or assistance; or

176 (5) The performance of official duties and responsibilities as authorized coaches and  
177 trainers for purposes directly related to the athletic event.

178 (c) Nothing in this Code section shall be construed or applied to prohibit a postsecondary  
179 education institution from adopting a policy that is necessary to accommodate individuals  
180 protected under the federal Americans with Disabilities Act of 1990, 42 U.S.C.  
181 Section 12101 et seq., as it existed on January 1, 2025, or young children who are in need  
182 of physical assistance when using a restroom or changing facility that is located in a  
183 building owned, occupied, or leased by a postsecondary education institution; provided,  
184 however, that such policy shall not be contrary to or inconsistent with the provisions of  
185 subsections (a) and (b) of this Code section.

186 (d)(1) Except as provided in paragraph (2) of this subsection, a postsecondary education  
187 institution that sponsors or supervises an overnight trip in conjunction with an athletic  
188 event involving students shall ensure that a student attending the overnight trip either:

189 (A) Shares sleeping quarters with a member or, if necessary, multiple members, of the  
190 same sex; or

191 (B) Is provided single-occupancy sleeping quarters.

192 (2) A student attending an overnight trip in conjunction with an athletic event may share  
 193 sleeping quarters with a member of the opposite sex if the member of the opposite sex is  
 194 a member of such student's immediate family.

195 (e) A student or the parent or legal guardian of a student who has not reached the age of  
 196 majority shall have a cause of action against a postsecondary education institution if such  
 197 student:

198 (1) Encounters a member of the opposite sex in a multiple occupancy restroom or  
 199 changing area that is designated for individuals whose sex is the same as such student's  
 200 sex, except as provided in subsection (c) of this Code section; or

201 (2) Is required to share sleeping quarters with a member of the opposite sex who is not  
 202 a family member of such student.

203 (f) The Board of Regents and the State Board of the Technical College System of Georgia  
 204 shall promulgate rules and regulations to implement this Code section as applicable to the  
 205 University System of Georgia and the Technical College System of Georgia, respectively."

206 **PART III**  
 207 **SECTION 3-1.**

208 Said title is further amended in Chapter 1, relating to general provisions of education, by  
 209 adding a new article to read as follows:

210 "ARTICLE 5

211 20-1-50.

212 As used in this article, the term:

213 (1) 'Athletic association' means any governing body for athletic competition or sport or  
 214 any organization of athletic conferences.

215 (2) 'Athletic event' means any contest, game, jamboree, scrimmage, tournament,  
216 showcase, combine, or tryout related to a sport or physical activity.

217 (3) 'Competition' means an athletic event after which any team or individual is  
218 designated as a winner, roster spots are determined, or prizes are awarded.

219 (4) 'Female' means an individual who has, had, or will have the reproductive system  
220 capable of the generation, migration, and utilization of eggs for fertilization, or would  
221 have such capabilities but for a developmental or genetic anomaly or historical accident.

222 (5) 'Male' means an individual who has, had, or will have the reproductive system  
223 capable of the generation, migration, and utilization of sperm for fertilization, or would  
224 have such capabilities but for a developmental or genetic anomaly or historical accident.

225 (6) 'Participant' means a student who is participating in an athletic event.

226 (7) 'Sex' means an individual's biological sex, either male or female. An individual's sex  
227 can be observed or clinically verified at or before birth and in no case is an individual's  
228 sex determined by stipulation or self-identification.

229 (8) 'Team' means any individual or group of people who compete in athletic events for  
230 the same organization, school, club, college, university, or cause.

231 20-1-51.

232 Any public school, local school system, or postsecondary education institution that offers,  
233 operates, or sponsors interscholastic or intercollegiate athletics shall provide equal athletic  
234 opportunities for members of both sexes.

235 20-1-52.

236 Notwithstanding the requirements of Code Section 20-1-51, a public school, local school  
237 system, or postsecondary education institution located in Georgia may operate or sponsor  
238 single-sex teams where selection for such teams is based upon competitive skill or the  
239 activity involved is a contact sport.

240 20-1-53.

241 All public schools, local school systems, and postsecondary education institutions that are  
242 participating in competitions or athletic events with or against public schools, local school  
243 systems, or postsecondary education institutions must designate each team, competition,  
244 or athletic event as:

- 245 (1) For males, men, or boys;  
246 (2) For females, women, or girls; or  
247 (3) Coeducational or mixed sex.

248 20-1-54.

249 (a) No public school, local school system, postsecondary education institution, or athletic  
250 association that is participating in a competition or athletic event with or against a public  
251 school, local school system, or postsecondary education institution that operates, sponsors,  
252 or permits athletic events or competitions may allow any male to compete for, against, or  
253 with a team designated for females, women, or girls.

254 (b) A public school, local school system, postsecondary education institution, or athletic  
255 association that operates, sponsors, or permits athletic events or competitions may not:

- 256 (1) Allow any male to occupy a roster spot on any team designated for females, women,  
257 or girls; or  
258 (2) Allow any male to receive a scholarship designated for female athletes.

259 (c) The biological sex listed on a participant's birth certificate may be relied on to establish  
260 the participant's eligibility under this Code section if the sex designated on the birth  
261 certificate was designated at or near the time of the participant's birth.

262 (d) Nothing in this article shall be construed to authorize a public school, local school  
263 system, postsecondary education institution, or athletic association to verify or confirm a  
264 student's sex through visual inspection of such student's external sex organs for purposes  
265 of participation in athletic events; provided, however, that this subsection shall not prohibit

266 reliance on medical records or other standard school medical procedures for such  
267 verification.

268 20-1-55.

269 Nothing in this article shall prohibit a public school, local school system, postsecondary  
270 education institution, or athletic association from allowing males to practice or train with  
271 teams designated for females, women, or girls, so long as no such male player takes a roster  
272 spot, opportunity to compete, scholarship, or spot at the school from any female.

273 20-1-56.

274 No governmental entity, licensing or accrediting organization, athletic association, public  
275 school, or local school system may consider a complaint, open an investigation, or take  
276 adverse action against a public school or local school system for complying with this  
277 article.

278 20-1-57.

279 (a) Any individual who is deprived of an athletic opportunity or who suffers or who will  
280 suffer direct or indirect harm resulting from a violation of this article may bring a private  
281 cause of action for injunctive relief, compensatory damages, and attorney's fees against the  
282 violating entity.

283 (b) Any public school, local school system, or athletic association that suffers or will suffer  
284 direct or indirect harm as a result of a violation of this statute may bring a private cause of  
285 action against the violating entity for injunctive relief and compensatory damages.

286 (c) Any individual or team subjected to retaliation or other adverse action as a result of  
287 reporting a violation of this statute to an employee or representative of a public school,  
288 local school system, postsecondary education institution, or athletic association or  
289 subjected to retaliation or other adverse action as a result of reporting a violation of this

290 article to the state or federal government entity with oversight authority, may bring a  
 291 private cause of action against the retaliating entity for injunctive relief, damages, and any  
 292 other relief available under law.

293 (d) An action brought under this Code section must be commenced within one year of the  
 294 event giving rise to the complaint."

295 **PART IV**

296 **SECTION 4-1.**

297 Title 1 of the Official Code of Georgia Annotated, relating to general provisions, is amended  
 298 in Chapter 2, relating to persons and their rights, by adding a new Code section to read as  
 299 follows:

300 "1-2-7.1.

301 (a) The General Assembly finds the following with respect to the application of an  
 302 individual's sex pursuant to any state law or rules and regulations:

303 (1) The term 'sex' refers to an individual's biological sex, either male or female. An  
 304 individual's sex can be observed or clinically verified at or before birth and in no case is  
 305 an individual's sex determined by stipulation or self-identification;

306 (2) With respect to sex, the term 'equal' does not mean same or identical;

307 (3) With respect to sex, separate accommodations are not inherently unequal;

308 (4) An individual born with a medically verifiable diagnosis of disorder or differences  
 309 in sex development shall be provided any available legal protections and  
 310 accommodations afforded under the federal Americans with Disabilities Act of 1990,  
 311 42 U.S.C. Section 12101 et seq., and any applicable state law;

312 (5) Laws, rules, and regulations that distinguish between the sexes are subject to  
 313 intermediate constitutional scrutiny. Intermediate constitutional scrutiny forbids unfair  
 314 discrimination against similarly situated male and female individuals but allows the law

315 to distinguish between the sexes where such distinctions are substantially related to  
 316 important governmental objections; and  
 317 (6) Notwithstanding any provision of state law to the contrary, distinctions between the  
 318 sexes with respect to athletics, living facilities, locker rooms, domestic violence shelters,  
 319 rape crisis centers, restrooms, and other areas where biology, safety, or privacy are  
 320 implicated that result in separate accommodations are substantially related to the  
 321 important governmental objections of protecting the health, safety, and privacy of  
 322 individuals in such circumstances.  
 323 (b) Any local school system, public school, or any state agency, department, or political  
 324 subdivision that collects vital statistics for the purpose of complying with  
 325 antidiscrimination laws or for the purpose of gathering accurate public health, crime,  
 326 economic, or other data shall identify each individual who is part of the collected data set  
 327 as either male or female at birth."

328 **SECTION 4-2.**

329 Said title is further amended in Code Section 1-3-1, relating to construction of statutes  
 330 generally, by revising paragraphs (4) through (6) of subsection (d) as follows:

331 ~~"(4) **Gender.** The masculine gender includes the feminine and the neuter.~~

332 ~~(5)~~(4) **Joint authority.** A joint authority given to any number of persons or officers may  
 333 be executed by a majority of them, unless it is otherwise declared.

334 ~~(6)~~(5) **Number.** The singular or plural number each includes the other, unless the other  
 335 is expressly excluded.

336 (6) **Sex.** Masculine words shall include the feminine and neuter."

337 **SECTION 4-3.**

338 Said title is further amended in Chapter 3, relating to laws and statutes, in Code  
 339 Section 1-3-3, relating to definitions, by adding multiple new paragraphs to read as follows:

340 "(7.2) 'Father' means a parent of the male sex.

341 (7.3) 'Female' means an individual who has, had, or will have the reproductive system  
342 capable of the generation, migration, and utilization of eggs for fertilization, or would  
343 have such capabilities but for a developmental or genetic anomaly or historical accident."

344 "(9.1) 'Male' means an individual who has, had, or will have the reproductive system  
345 capable of the generation, migration, and utilization of sperm for fertilization, or would  
346 have such capabilities but for a developmental or genetic anomaly or historical accident.

347 (9.2) 'Man' means, except when used as a generic reference to human beings, an adult  
348 human male."

349 "(11.1) 'Mother' means a parent of the female sex."

350 "(22.1) 'Woman' means a human female."

351 **PART V**

352 **SECTION 5-1.**

353 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended in Code  
354 Section 15-9-90, relating to forms for probate court and local alteration, by revising  
355 subsection (b) as follows:

356 "(b) The rules adopted pursuant to subsection (a) of this Code section shall provide that the  
357 forms so adopted may be altered locally in a particular petition or proceeding in such items  
358 as grammar, ~~gender usage~~ sex terminology, the use of singular and plural nouns and  
359 pronouns, the omission of optional or alternate language, the inclusion of variable  
360 information such as names and addresses, and other nonmaterial ways."

361 **SECTION 5-2.**

362 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is  
363 amended in Code Section 17-4-20.2, relating to bias crime report, requirements, use of  
364 reports, and publication, by revising subsection (a) as follows:

365 "(a) Whenever a law enforcement officer investigates an incident of a crime in which it  
366 appears there is reasonable suspicion to believe that the defendant intentionally selected  
367 any victim or group of victims or any property as the object of the offense because of such  
368 victim's or group of victims' actual or perceived race, color, religion, national origin, sex,  
369 sexual orientation, ~~gender~~, mental disability, or physical disability, whether or not an arrest  
370 is made, the officer shall prepare and submit to the law enforcement officer's supervisor or  
371 other designated person a written report of the incident entitled 'Bias Crime Report.' Forms  
372 for such reports shall be designed and provided by the Georgia Bureau of Investigation.

373 The report shall include:

- 374 (1) Names of the parties;
- 375 (2) Relationship of the parties;
- 376 (3) Sex ~~and gender~~ of the parties;
- 377 (4) Race of the parties;
- 378 (5) Religion of the parties;
- 379 (6) Dates of birth of the parties;
- 380 (7) Time, place, and date of the incident;
- 381 (8) Whether there is evidence to indicate that the incident occurred because of a person's  
382 actual or perceived attributes as specified by subsection (a) of this Code section;
- 383 (9) Type and extent of the alleged violation;
- 384 (10) Existence of any objects or symbols associated with the terrorizing of persons based  
385 upon actual or perceived race, religion, or sex;
- 386 (11) Number and types of weapons involved, if any;
- 387 (12) Existence of any prior difficulties between the parties;

- 388 (13) Type of police action taken in disposition of case;  
389 (14) Whether the victim was apprised of available remedies and services; and  
390 (15) Any other information the officer deems pertinent."

391 **SECTION 5-3.**

392 Said title is further amended in Code Section 17-10-17, relating to sentencing of defendants  
393 guilty of crimes involving bias or prejudice and identification of increased sentence, by  
394 revising subsection (b) as follows:

395 "(b) Subject to the notice requirement provided in Code Section 17-10-18 and in  
396 enhancement of the penalty imposed, if the trier of fact determines beyond a reasonable  
397 doubt that the defendant intentionally selected any victim or group of victims or any  
398 property as the object of the offense because of such victim's or group of victims' actual or  
399 perceived race, color, religion, national origin, sex, sexual orientation, ~~gender~~, mental  
400 disability, or physical disability, the judge imposing sentence shall:

- 401 (1) If the offense for which the defendant was convicted is a designated misdemeanor,  
402 impose a sentence of imprisonment for a period of not less than six nor more than 12  
403 months, and a fine not to exceed \$5,000.00; or  
404 (2) If the offense for which the defendant was convicted is a felony, impose a sentence  
405 of imprisonment for a period of not less than two years, and a fine not to exceed  
406 \$5,000.00."

407 **SECTION 5-4.**

408 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in  
409 Code Section 20-2-315, relating to gender discrimination prohibited, authorized separate  
410 gender teams, equal athletic opportunity, physical education classes, employee designated  
411 to monitor compliance, grievance procedures, and reporting requirements, by revising  
412 subsections (a), (b), (c), (d), (e), and (j) as follows:

413 "(a) No student shall, on the basis of gender sex, be excluded from participation in, be  
414 denied the benefits of, be treated differently from another student, or otherwise be  
415 discriminated against in any interscholastic or intramural athletics offered by a local school  
416 system, and no local school system shall provide any such athletics separately on such  
417 basis.

418 (b) Notwithstanding the requirements of subsection (a) of this Code section, a local school  
419 system may operate or sponsor separate teams for members of each gender sex where  
420 selection for such teams is based upon competitive skill or the activity involved is a contact  
421 sport. However, where a local school system operates or sponsors a team in a particular  
422 sport for members of one gender sex but operates or sponsors no such team for members  
423 of the other gender sex, and athletic opportunities for members of that gender sex in that  
424 particular sport have previously been limited, members of the excluded gender sex must  
425 be allowed to try out for the team offered unless the sport involved is a contact sport.  
426 Nothing in this subsection shall be construed to limit the authority of a local school system  
427 to operate or sponsor a single team for a contact sport that includes members of both  
428 genders sexes. As used in this subsection, the term 'contact sport' includes boxing,  
429 wrestling, rugby, ice hockey, football, basketball, and any other sport the purpose or major  
430 activity of which involves bodily contact.

431 (c) A local school system which operates or sponsors interscholastic or intramural athletics  
432 shall undertake all reasonable efforts to provide equal athletic opportunity for members of  
433 both genders sexes. In determining whether equal opportunities are available the following  
434 factors shall be considered:

- 435 (1) Whether the selection of sports and levels of competition effectively accommodate  
436 the interests and abilities of members of both genders sexes;
- 437 (2) The provision of equipment and supplies;
- 438 (3) Scheduling of games and practice time;
- 439 (4) Travel allowance;

- 440 (5) Opportunity to receive coaching and academic tutoring;  
 441 (6) Assignment and compensation of coaches and tutors;  
 442 (7) Provision of locker rooms and practice and competitive facilities;  
 443 (8) Provision of medical and training facilities and services; and  
 444 (9) Publicity.

445 Unequal aggregate expenditures for members of each gender sex or unequal expenditures  
 446 for male and female teams if a local school system operates or sponsors separate teams will  
 447 not constitute noncompliance with this subsection, but the failure to provide essential funds  
 448 for the basic operations of teams for one gender sex may be considered in assessing  
 449 equality of opportunity for members of each gender sex. Nothing in Code Section  
 450 20-2-411 shall be construed to limit the authority of a local school system to expend school  
 451 tax funds as authorized by Article VIII, Section VI, Paragraph I(b) of the Constitution in  
 452 order to comply with the requirements of this Code section.

453 (d) A local school system may provide separate toilet, locker room, and shower facilities  
 454 on the basis of gender sex, but such facilities shall be comparable to such facilities  
 455 provided for students of the other gender sex.

456 (e) This Code section does not prohibit the grouping of students in physical education  
 457 classes by gender sex."

458 "(j) The Department of Education may publish an annual report of local school systems  
 459 to include information regarding expenditures and participation rates for each gender sex  
 460 and such other information as the state board and department deem relevant."

461 **SECTION 5-5.**

462 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
 463 amended in Code Section 40-5-25, relating to applications, fees, provisions for voluntary  
 464 participation in various programs, by revising subsection (d) as follows:

465 "(d)(1) The General Assembly finds that it is in the best interest of this state to encourage  
466 improved public education and awareness regarding anatomical gifts of human organs  
467 and tissues and to address the ever increasing need for donations of anatomical gifts for  
468 the benefit of the citizens of Georgia.

469 (2) The department shall make available to procurement organizations or secure data  
470 centers maintained and managed at the direction of a procurement organization  
471 information provided for in Article 6 of Chapter 5 of Title 44, the 'Georgia Revised  
472 Uniform Anatomical Gift Act,' including the name, license number, date of birth, ~~gender~~  
473 sex, and most recent address of any person eligible pursuant to Code Section 44-5-142  
474 who obtains an organ donor driver's license; provided, however, that the ~~gender~~  
475 information sex category information of either male or female shall be made available  
476 only to a procurement organization or secure data center if such organization or center  
477 has sufficient funds to cover the associated costs of providing such information.  
478 Information so obtained by such organizations and centers shall be used for a state-wide  
479 organ donor registry accessible to organ tissue and eye banks authorized to function as  
480 such in this state and shall not be further disseminated."

481 **SECTION 5-6.**

482 Said title is further amended in Code Section 40-5-100, relating to personal identification  
483 cards, contents, possession of more than one card prohibited, and optional contributions to  
484 and participation in voluntary programs, by revising paragraph (2) of subsection (e) as  
485 follows:

486 "(2) The department shall make available to procurement organizations or secure data  
487 centers maintained and managed at the direction of a procurement organization  
488 information provided for in Article 6 of Chapter 5 of Title 44, the 'Georgia Revised  
489 Uniform Anatomical Gift Act,' including the name, identification card number, date of  
490 birth, ~~gender~~ sex, and most recent address of any person who obtains an organ donor

491 identification card; provided, however, that the ~~gender~~ information with respect to one's  
492 sex shall be made available only to a procurement organization or secure data center if  
493 such organization or center has sufficient funds to cover the associated costs of providing  
494 such information. Information so obtained by such organizations and centers shall be  
495 used for a state-wide organ donor registry accessible to organ tissue and eye banks  
496 authorized to function as such in this state and shall not be further disseminated."

497 **SECTION 5-7.**

498 Title 44 of the Official Code of Georgia Annotated, relating to property, is amended in Code  
499 Section 44-5-158, relating to donor registry, by revising subsection (a) as follows:

500 "(a) The Department of Driver Services shall make available to procurement organizations  
501 or secure data centers maintained and managed at the direction of a procurement  
502 organization the name, license number, date of birth, ~~gender~~ sex, and most recent address  
503 of any person who obtains an organ donor's license; provided, however, that the ~~gender~~  
504 information with respect to one's sex shall only be made available to a procurement  
505 organization or secure data center if such organization or center has sufficient funds to  
506 cover the associated costs with providing such information. Information so obtained by  
507 such organizations shall be used for the purpose of establishing a state-wide organ donor  
508 registry accessible to organ tissue and eye banks authorized to function as such in this state  
509 and shall not be further disseminated."

510 **SECTION 5-8.**

511 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended  
512 in Article 1 of Chapter 5 of Title 49, relating to children and youth services, by revising Code  
513 Section 49-5-22, relating to voluntary pre-kindergarten programs to provide toilet facilities  
514 screened for privacy, as follows:

515 "49-5-22.

516 (a) The General Assembly finds that just as ~~gender-separated~~ toileting separated by one's  
 517 sex among nonrelatives is the norm among adults, children should be allowed the same  
 518 opportunity to practice modesty when independent toileting behavior is well established  
 519 among the majority of their age group. Standardized adherence to this policy would  
 520 provide privacy, injury control, and sanitation.

521 (b) Each public or private voluntary pre-kindergarten program in this state which receives  
 522 state funding shall provide toilet facilities for the four-year-old pre-kindergarten age  
 523 children which it serves which are suitably screened for privacy. Nothing contained in this  
 524 Code section shall be construed to require a pre-kindergarten program to provide separately  
 525 constructed toilet facilities.

526 (c) The provisions of subsection (b) of this Code section shall not apply to any voluntary  
 527 pre-kindergarten program which provides separate and ~~gender-specific~~ male and female  
 528 toilet facilities for the children which it serves."

529 **SECTION 5-9.**

530 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
 531 in Code Section 50-12-22, relating to membership, appointment, terms, chairperson, and  
 532 meetings, by revising paragraph (2) of subsection (b) as follows:

533 "(2) The council should be a balanced representation of the entire state, accounting for,  
 534 but not limited to, minority and ethnic groups, ~~gender~~ male and female diversity,  
 535 geographic diversity, large and small organizations, and the public and private sectors;"

536 **SECTION 5-10.**

537 Various titles of the Official Code of Georgia Annotated are amended by replacing "gender"  
 538 with "sex" wherever the former term appears in:

539 (1) Code Section 11-1-106, relating to use of singular and plural and gender;

- 540 (2) Code Section 12-5-287, relating to leasing of state owned marshland or water bottoms;
- 541 (3) Code Section 13-10-91, relating to verification of new employee eligibility,  
542 applicability, and rules and regulations;
- 543 (4) Code Section 15-11-341, relating to written report to court and review hearing and  
544 findings;
- 545 (5) Code Section 15-12-1, relating to definitions;
- 546 (6) Code Section 15-12-40.1, relating to state-wide master jury list, driver's license  
547 information, list of registered voters, and random list of persons to comprise venire;
- 548 (7) Code Section 16-12-214, relating to study on minority and women participation;  
549 addressing discrimination;
- 550 (8) Code Section 16-13-59, relating to information to include for each Schedule II, III, IV,  
551 or V controlled substance prescription and compliance;
- 552 (9) Code Section 19-13-30, relating to State Commission on Family Violence;
- 553 (10) Code Section 20-2-315, relating to gender discrimination prohibited, authorized  
554 separate gender teams, equal athletic opportunity, physical education classes, employee  
555 designated to monitor compliance, grievance procedures, and reporting requirements;
- 556 (11) Code Section 20-2-316, relating to involvement of athletic association in high school  
557 athletics;
- 558 (12) Code Section 20-2-740, relating to annual report by local boards of education  
559 regarding disciplinary and placement actions and annual study by the Department of  
560 Education;
- 561 (13) Code Section 20-3-681, relating to compensation of athlete for use of name, image,  
562 or likeness, scholarships are not compensation, and requirements for schools and athletes;
- 563 (14) Code Section 26-4-83, relating to patient record systems;
- 564 (15) Code Section 27-2-2, relating to issuance and sale of hunting, fishing and trapping  
565 licenses, identification required, withdrawal of agents' authority to sell licenses, online

566 licensing system to allow making of anatomical gifts, and anatomical gift education and  
567 awareness;

568 (16) Code Section 31-10-33, relating to procedure for stillbirth;

569 (17) Code Section 33-20C-4, relating to information and searchable format for directories  
570 and exclusion of dental plans;

571 (18) Code Section 33-24-59.7, relating to coverage for the treatment of morbidly obese  
572 patients, short title, legislative findings, and adoption of rules and regulations by the  
573 Commissioner;

574 (19) Code Section 33-24-91, relating to use of credit information to underwrite or rate  
575 risks;

576 (20) Code Section 33-30A-4, relating to membership, cooperative's powers, duties and  
577 responsibilities, fees, and annual reports;

578 (21) Code Section 35-3-161, relating to time and procedure for withdrawal of blood  
579 samples;

580 (22) Code Section 37-2-5, relating to regional advisory councils - establishing policy and  
581 direction for disability services, membership, bylaws, meetings, and expenses;

582 (23) Code Section 37-2-6, relating to community mental health, developmental disabilities,  
583 and addictive diseases service boards - community service board creation, membership,  
584 participation of counties, transfer of powers and duties, alternate method of establishment,  
585 bylaws, and reprisals prohibited;

586 (24) Code Section 37-2-11, relating to allocation of available funds for services, recipients  
587 to meet minimum standards, accounting for fees generated by providers, and discrimination  
588 in providing services prohibited;

589 (25) Code Section 40-5-2, relating to keeping of records of applications for licenses and  
590 information on licenses and furnishing of information;

591 (26) Code Section 43-11-11, relating to gathering of census data on practicing dentists and  
592 dental hygienists and standard form;

- 593 (27) Code Section 43-18-46, relating to grounds for denial or revocation of license or  
594 registration and other discipline;
- 595 (28) Code Section 49-3-2, relating to appointment of county board members, terms,  
596 vacancies, per diem and expenses, and role of county board;
- 597 (29) Code Section 49-3-3.1, relating to annual report from county director of department  
598 of family and children services and personal appearance;
- 599 (30) Code Section 49-5-281, relating to bill of rights for foster parents and filing of  
600 grievance for violations;
- 601 (31) Code Section 49-10-1, relating to the Board of Health Care Workforce, composition,  
602 expense allowances, staffing, and advisory committees;
- 603 (32) Code Section 50-18-72, relating to when public disclosure is not required;
- 604 (33) Code Section 50-36-1, relating to verification requirements, procedures, and  
605 conditions, exceptions, regulations, and criminal and other penalties for violations; and  
606 (34) Code Section 51-14-3, relating to definitions.

607

**PART VI**

608

**SECTION 6-1.**

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