

The House Committee on Education offers 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 enact the "Riley Gaines Act of 2025"; to provide generally for competitively fair and safe  
3 student participation in school and college sports; to provide for legislative findings and  
4 intent; to promote fair and safe competition; to provide for equal athletic opportunities and  
5 safety; to provide for specific designations of teams operated or sponsored by local school  
6 systems, public schools, participating private schools, and postsecondary educational  
7 institutions in this state; to prohibit males from participating in interscholastic and  
8 intercollegiate competitions on teams designated as female; to prohibit females from  
9 participating in competition on intercollegiate teams designated as male, subject to  
10 exceptions; to provide for such exceptions; to provide for interscholastic coed team  
11 designations; to provide for the use of student eligibility rules, standards, and classifications;  
12 to provide for exceptions to general provisions; to require multiple occupancy restrooms and  
13 changing areas and sleeping quarters to be designated for exclusive use by males or females;  
14 to provide for reasonable accommodations; to provide for exceptions; to prohibit  
15 postsecondary educational institutions that are covered entities from hosting or sponsoring  
16 intercollegiate competitions that allow males to participate with teams designated as female  
17 or use multiple occupancy restrooms or changing areas and sleeping quarters designated for  
18 use by females; to prohibit such covered entities from awarding to males scholarships

S. B. 1 (SUB)

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

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

25 **SECTION 1.**

26 This Act shall be known and may be cited as the "Riley Gaines Act of 2025."

27 **SECTION 2.**

28 (a) The General Assembly finds that:

29 (1) There are inherent physical differences between males and females;

30 (2) Decisions regarding the regulation of sports should be based on promoting and  
31 preserving competitive fairness and protecting student safety;

32 (3) Protecting student athletes from harm and promoting and preserving the competitive  
33 fairness of sports are important state interests; and

34 (4) Requiring the designation of separate, sex-specific athletic teams and sports is  
35 necessary to protect student athletes from harm and to promote and preserve the  
36 competitive fairness of sports.

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

38 (1) Student athletes have competitively fair and safe opportunities to participate and  
39 succeed in sports; and

40 (2) Female student athletes have fair opportunities to demonstrate their strength, skills, and  
41 athletic abilities and to obtain recognition, accolades, college scholarships, and the  
42 numerous other long-term benefits that result from participating and competing in sports.

43 **SECTION 3.**

44 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in  
45 Part 14 of Article 6 of Chapter 2, relating to other educational programs under the "Quality  
46 Basic Education Act," by revising Code Section 20-2-315, relating to gender discrimination  
47 prohibited, authorized separate gender teams, equal athletic opportunity, physical education  
48 classes, employee designated to monitor compliance, grievance procedures, and reporting  
49 requirements, as follows:

50 "20-2-315.

51 (a) This Code section shall be known and may be cited as the 'Riley Gaines Act.'

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

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

54 (2) 'Compete,' 'competitive,' or 'competition' means a contest, game, match, tournament,  
55 or jamboree of teams in a sport. Such term shall not include practices, exhibitions, or  
56 scrimmages.

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

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

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

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

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

- 74 (A) Restrooms;  
75 (B) Locker rooms;  
76 (C) Changing rooms; and  
77 (D) Shower rooms.

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

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

86 (10) 'Sleeping quarters' means a room or other limited access designated space within a  
87 building or facility, such as a limited access designated space within a gymnasium,  
88 cafeteria, or auditorium or other performance space, in which more than one individual  
89 is housed overnight.

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

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

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

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

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

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

122 (A) Male;

123 (B) Female; or

124 (C) Coed.

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

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

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

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

136 (6) Nothing in this subsection shall be construed to authorize a covered entity or an  
 137 athletic association, as such term is defined in Code Section 20-2-316, to verify or  
 138 confirm a student's sex through visual inspection of such student's external sex organs for  
 139 purposes of participation in competitions; provided, however, that this paragraph shall  
 140 not prohibit reliance on medical records or other standard school medical procedures to  
 141 verify or confirm a student's sex.

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

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

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

- 149       ~~(3)(C)~~ Scheduling of games and practice time;
- 150       ~~(4)(D)~~ Travel allowance;
- 151       ~~(5)(E)~~ Opportunity to receive coaching and academic tutoring;
- 152       ~~(6)(F)~~ Assignment and compensation of coaches and tutors;
- 153       ~~(7)(G)~~ Provision of ~~locker rooms~~ multiple occupancy restroom or changing areas and  
154 practice and competitive facilities;
- 155       ~~(8)(H)~~ Provision of medical and training facilities and services; and
- 156       ~~(9)(I)~~ Publicity.
- 157       (2) Unequal aggregate expenditures for members of each gender sex or unequal  
158 expenditures for male and female teams if a local school system or public school operates  
159 or sponsors separate teams ~~with~~ shall not constitute noncompliance with this subsection;  
160 ~~but; provided, however, that~~ the failure to provide essential funds for the basic operations  
161 of teams for one gender sex may be considered in assessing equality of opportunity for  
162 members of each gender sex.
- 163       (3) Nothing in Code Section 20-2-411 shall be construed to limit the authority of a local  
164 school system or public school to expend school tax funds as authorized by Article VIII,  
165 Section VI, Paragraph I(b) of the Constitution in order to comply with the requirements  
166 of this Code section.
- 167       ~~(d)(f)(1)~~ Each covered entity shall ~~A local school system may~~ provide separate ~~toilet,~~  
168 ~~locker room, and shower facilities~~ multiple occupancy restrooms or changing areas and  
169 sleeping quarters on the basis of gender, ~~but sex, and~~ such facilities shall be comparable  
170 to such facilities provided for students of the other gender sex.
- 171       (2)(A) No covered entity shall operate or sponsor one or more teams in any  
172 interscholastic competition involving a local school system or public school that  
173 permits a male to use any multiple occupancy restroom or changing area or sleeping  
174 quarters designated for females in conjunction with such competition.

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

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

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

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

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

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

195 (4) Nothing in this subsection shall be construed or applied to prohibit an individual from  
196 entering a multiple occupancy restroom or changing area designated for use by  
197 individuals of the opposite sex when he or she enters such area for one of the following  
198 reasons:

199 (A) For authorized custodial, maintenance, or inspection purposes;

200 (B) To render emergency medical assistance;

201 (C) To address an ongoing emergency, including, but not limited to, a physical  
202 altercation;

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

205 (E) The performance of official duties and responsibilities as authorized coaches and  
206 trainers for purposes directly related to a competition or other official activity of a team,  
207 including practice.

208 (5)(A) Except as provided in subparagraph (B) of this paragraph, a covered entity that  
209 sponsors or supervises an overnight trip in conjunction with a competition involving  
210 public school students shall ensure that each public school student attending such  
211 overnight trip either:

212 (i) Shares sleeping quarters with a member or, if necessary, multiple members, of the  
213 same sex; or

214 (ii) Is provided single-occupancy sleeping quarters.

215 (B) A public school student attending an overnight trip in conjunction with a  
216 competition may share sleeping quarters with a member of the opposite sex if the  
217 member of the opposite sex is a member of such student's immediate family.

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

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

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

228 (3) If a local school system or public school demonstrates by a bona fide survey of  
 229 eligible students at the school, which is approved by the Department of Education for  
 230 compliance with generally accepted opinion survey principles regarding neutral wording  
 231 and other matters, that there is insufficient interest among students at the school to field  
 232 a team described in paragraph (1) of this subsection, then the local school system or  
 233 public school shall not be required to sponsor such ~~athletic activity or sport~~ at that school.  
 234 The exemption provided for by this paragraph shall be valid for 24 months following the  
 235 date when the most recent bona fide student survey demonstrating a lack of student  
 236 interest was completed, unless a new bona fide student survey is conducted within the 24  
 237 month period that demonstrates sufficient interest to field a team. If such a new bona fide  
 238 student survey demonstrates such sufficient interest, then the local school system or  
 239 public school shall ~~must~~ comply with paragraph (1) of this subsection during the ~~local~~  
 240 ~~school system's next fiscal~~ school year and until such time as a new bona fide student  
 241 survey demonstrates insufficient interest to field a team described in paragraph (1) of this  
 242 subsection. A local school system or public school shall conduct the bona fide student  
 243 survey described in this paragraph regarding interest in a team described in paragraph (1)  
 244 of this subsection upon the request of nine students at the school, but no more frequently  
 245 than once every 12 months.

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

249 ~~(g)~~(i) Each ~~local school system~~ covered entity shall designate at least one employee to  
 250 coordinate its efforts to comply with and carry out its responsibilities under this Code  
 251 section, including the investigation of any complaint communicated to such ~~local school~~  
 252 ~~system~~ covered entity alleging its noncompliance with this Code section. The employee  
 253 designated under this subsection may be the same ~~person~~ individual required to be  
 254 designated under 34 C.F.R. Section 106.8, as it existed on June 30, 2024. Each covered

255 ~~entity~~ ~~The local school system annually~~ shall annually notify all its students of the name,  
256 office address, and office telephone number of the employee or employees appointed  
257 pursuant to this subsection. Such notification may be included in a student ~~handbook~~ code  
258 of conduct distributed pursuant to Code Section 20-2-736.

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

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

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

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

279 (iii) If a complaint with a request for an expedited preliminary determination brought  
280 pursuant to this subparagraph is rejected in whole or in part by the employee  
281 designated in subsection (i) of this Code section, such designated employee shall

282 render his or her decision rejecting such complaint in writing to the complainant, and  
283 such decision shall set forth the essential facts and rationale for the decision;

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

287 (3) A complainant shall have a right to appeal such decision to the local board of  
288 education or other public school governing body, in the case of a public school, or the  
289 participating private school's governing body, in the case of a participating private school,  
290 within 35 days of the date of the decision. A ruling on such appeal shall be rendered in  
291 writing in writing no later than 35 days after receipt of the appeal, and such decision shall  
292 set forth the essential facts and rationale for the ruling.

293 ~~(i)(k)~~(1) A complainant may appeal a decision ~~of a local board~~ that is rendered under  
294 subsection ~~(h)~~ (j) of this Code section in accordance with the procedures specified in  
295 Code Section 20-2-1160. If the State Board of Education determines that a local school  
296 system or public school has failed to comply with this Code section, then the state board  
297 shall provide the local school system or public school with opportunities to prepare a  
298 corrective plan. If the state board determines that a corrective plan of the local school  
299 system or public school adequately plans and provides for future compliance with this  
300 Code section, then the state board shall approve the plan and direct the local school  
301 system or public school to implement such plan.

302 (2) If, upon a complaint filed pursuant to subsection ~~(h)~~ (j) of this Code section after one  
303 year following the date of a state board order directing implementation of a corrective  
304 plan pursuant to paragraph (1) of this subsection but within four years of the date of such  
305 order, the state board determines that the local school system or public school which was  
306 subject to such order has willfully failed to comply with this Code section, the state board  
307 may, after consideration of the local school system's or public school's efforts to  
308 implement the corrective plan approved in the earlier proceeding and of any other

309 corrective plan that may be submitted by the local school system or public school,  
310 transmit a certification of such determination to the Department of Community Affairs.  
311 If the state board's determination of noncompliance is later reversed or vacated upon  
312 appeal, the state board shall immediately notify the Department of Community Affairs  
313 of such action.

314 (3) If, upon a complaint filed pursuant to subsection ~~(h)~~ (j) of this Code section after one  
315 year following the date of a state board certification to the Department of Community  
316 Affairs pursuant to paragraph (2) of this subsection but within four years of the date of  
317 such order, the state board determines that the local school system or public school which  
318 was subject to such order has willfully failed to comply with this Code section, the state  
319 board may, after consideration of the local school system's or public school's efforts to  
320 implement a corrective plan approved in an earlier proceeding and of any other corrective  
321 plan that may be submitted by the local school system or public school, order that a team  
322 or teams within the local school system or public school ~~within the local school system~~  
323 shall not participate in interscholastic postseason ~~athletic contests~~ competitions and that  
324 participation in violation of such an order may result in withholding of state funds allotted  
325 pursuant to Code Section 20-2-186. An order of the state board barring participation in  
326 interscholastic postseason ~~athletic contests~~ competitions shall be made and announced  
327 before the beginning of a school year.

328 (4) If, upon a complaint filed pursuant to subsection ~~(h)~~ (j) of this Code section after one  
329 year following the date of a state board order prohibiting participation in interscholastic  
330 postseason ~~athletic contests~~ competitions pursuant to paragraph (3) of this subsection but  
331 within four years of the date of such order, the state board determines that the local  
332 school system or public school which was subject to such order has willfully failed to  
333 comply with this Code section, the state board may, after consideration of the local school  
334 system's or public school's efforts to implement a corrective plan approved in an earlier  
335 proceeding and of any other corrective plan that may be submitted by the local school

336 system or public school, withhold state funds that are allotted pursuant to Code  
 337 Section 20-2-186 in an amount that the state board determines is sufficient to secure the  
 338 local school system's or public school's compliance with this Code section. In the event  
 339 that state funds are withheld pursuant to this paragraph, such funds shall later be allotted  
 340 to the local school system or public school at such time as the state board determines that  
 341 the local school system or public school is in compliance with this Code section.

342 ~~(j)~~(l) The Department of Education may publish an annual report of local school systems  
 343 and public schools which may ~~to~~ include information regarding expenditures and  
 344 participation rates for each ~~gender~~ sex and such other information as the state board and  
 345 department deem relevant.

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

348 (A) Who is deprived of an athletic opportunity or suffers any harm as a result of a  
 349 violation of this Code section shall have a private cause of action for injunctive relief,  
 350 damages, and any other relief available under law. If an aggrieved student or such  
 351 student's parent or guardian is the prevailing party in such action, such student or such  
 352 student's parent or guardian shall be entitled to an award of monetary damages,  
 353 including for any psychological, emotional, or physical harm suffered, reasonable  
 354 attorney's fees, court costs, and expenses of litigation, and any other appropriate relief;  
 355 or

356 (B) Who is subject to retaliation or other adverse action by a covered entity or a local,  
 357 state, regional, or national athletic conference or association as a result of reporting a  
 358 violation of this Code section to an employee or representative such covered entity,  
 359 athletic association or conference, or to any state or federal agency with oversight over  
 360 covered entities in this state, shall have a private cause of action for injunctive relief,  
 361 damages, and any other relief available under law. If an aggrieved student or such  
 362 student's parent or guardian is the prevailing party in such action, the student or

363 student's parent or guardian is the prevailing party in such action, such student shall be  
 364 entitled to an award of monetary damages, including for any psychological, emotional,  
 365 or physical harm suffered, reasonable attorney's fees, court costs, and expenses of  
 366 litigation, and any other appropriate relief.

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

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

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

376 **SECTION 4.**

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

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

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

- 385 (i) To meet in person or remotely not less than twice each school year;
- 386 (ii) To meet in person or remotely upon the call of the chairperson or a majority of  
 387 the executive oversight committee;
- 388 (iii) To establish policies and procedures for the executive oversight committee;

- 389 (iv) To conduct any independent audit, review, or investigation the executive  
 390 oversight committee deems necessary, including, but not limited to, the audit, review,  
 391 or investigation of the classifications of participating schools and ~~travel-related~~ travel  
 392 related issues of participating schools; and
- 393 ~~(v) If the athletic association determines that it is necessary and appropriate to~~  
 394 ~~prohibit students whose gender is male from participating in athletic events that are~~  
 395 ~~designated for students whose gender is female, then the athletic association may~~  
 396 ~~adopt a policy to that effect, provided, however, that such policy shall be applied to~~  
 397 ~~all of the athletic association's participating public high schools; and~~
- 398 (vi) To conduct an annual evaluation of the athletic association as a whole and  
 399 present a report of its findings, recommendations, and conclusions to the General  
 400 Assembly's High School Athletics Overview Committee; and"

401 **SECTION 5.**

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

405 "Part 3

406 20-3-15.

407 As used in this part, the term:

408 (1) 'Competition' means a contest, game, match, tournament, or jamboree of teams in a  
 409 sport. Such term shall not include practices, exhibitions, or scrimmages.

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

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

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

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

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

417 (5) 'Governing body' means the individual or entity responsible for establishing the  
418 policies, rules, and regulations for a covered entity, including, but not limited to, such  
419 policies, rules, and regulations for the operation of such covered entity's athletic  
420 department, if any, and the operation or sponsorship of such covered entity's  
421 intercollegiate competitions, sports, and teams. Such term shall not include any local,  
422 state, regional, or national athletic conference or athletic association.

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

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

431 (A) Restrooms;

432 (B) Locker rooms;

433 (C) Changing rooms; and

434 (D) Shower rooms.

435 (8) 'Participating nonstate school' means a private postsecondary educational institution  
436 that is eligible for tuition equalization grants in accordance with the provisions of Code  
437 Section 20-3-411 or any other private or public postsecondary educational institution that

438 is not a Georgia state school whose students or teams participate in intercollegiate  
439 competitions against students or teams from a Georgia state school in this state; provided,  
440 however, that such term shall apply to such an institution only when and to the extent that  
441 such institution is participating in an intercollegiate competition against a Georgia state  
442 school in this state; and provided, further, that such term shall not apply to institutions  
443 when participating in intercollegiate competitions in this state exclusively against one or  
444 more other such institutions.

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

448 (10) 'Sleeping quarters' means a room or other limited access designated space within a  
449 building or facility, such as a limited access designated space within a gymnasium,  
450 cafeteria, or auditorium or other performance space, in which more than one individual  
451 is housed overnight.

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

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

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

460 20-3-16.

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

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

466 (A) Male; or

467 (B) Female;

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

470 (B) Females shall not be allowed to participate in any intercollegiate competition in  
471 this state on any team that is designated as male; provided, however, that females may  
472 be allowed to participate in an intercollegiate competition in this state on a team that  
473 is designated as male if a corresponding team designated for females is not offered or  
474 available for intercollegiate competitions;

475 (3)(A) Multiple occupancy restrooms or changing areas and sleeping quarters shall be  
476 available to student athletes on the basis of sex and such facilities shall be comparable  
477 to such facilities provided for students of the other sex.

478 (B) No covered entity shall operate or sponsor one or more teams in any intercollegiate  
479 competition in this state that permits a male to use any multiple occupancy restroom or  
480 changing area or sleeping quarters designated for use by females in conjunction with  
481 such competition.

482 (C) No covered entity shall operate or sponsor one or more teams in any intercollegiate  
483 competition in this state that permits a female to use any multiple occupancy restroom  
484 or changing area or sleeping quarters designated for use by males in conjunction with  
485 such competition.

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

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

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

494 (E)(i) A reasonable accommodation under this paragraph may include, but shall not  
495 be limited to, allowing such individual to access a single occupancy restroom or  
496 changing area or sleeping quarters.

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

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

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

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

508 (5) Nothing in subparagraph (a)(3)(D) or (a)(4)(B) of this Code section shall be  
509 construed or applied to prohibit an individual from entering a multiple occupancy  
510 restroom or changing area designated for use by individuals of the opposite sex when he  
511 or she enters such area for one of the following reasons:

512 (A) For authorized custodial, maintenance, or inspection purposes;

513 (B) To render emergency medical assistance;

514 (C) To address an ongoing emergency, including, but not limited to, a physical  
515 altercation;

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

518 (E) The performance of official duties and responsibilities as authorized coaches and  
519 trainers for purposes directly related to a competition or other official activity of a team,  
520 including practice; and

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

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

527 (c) Nothing in this Code section shall be construed to authorize a covered entity or  
528 governing body to verify or confirm a student athlete's sex through visual inspection of  
529 such student athlete's external sex organs for purposes of participation in competitions;  
530 provided, however, that this paragraph shall not prohibit reliance on medical records or  
531 other standard school medical procedures to verify or confirm a student's athlete's sex.

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

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

538 (A) Who is deprived of an athletic opportunity or suffers any harm as a result of a  
539 violation of this Code section shall have a private cause of action for injunctive relief,  
540 damages, and any other relief available under law. If an aggrieved student is the  
541 prevailing party in such action, such student shall be entitled to an award of monetary  
542 damages, including for any psychological, emotional, or physical harm suffered,  
543 reasonable attorney's fees, court costs, and expenses of litigation, and any other  
544 appropriate relief; or

545 (B) Who is subject to retaliation or other adverse action by a covered entity, a  
546 governing body, or a local, state, regional, or national athletic conference or athletic  
547 association as a result of reporting a violation of this Code section to an employee or  
548 representative such covered entity, governing body, athletic conference or athletic  
549 association, or to any state or federal agency with oversight over postsecondary  
550 educational institutions in this state, shall have a private cause of action for injunctive  
551 relief, damages, and any other relief available under law. If an aggrieved student is the  
552 prevailing party in such action, such student shall be entitled to an award of monetary  
553 damages, including for any psychological, emotional, or physical harm suffered,  
554 reasonable attorney's fees, court costs, and expenses of litigation, and any other  
555 appropriate relief.

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

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

562 **SECTION 6.**

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