

HOUSE BILL NO. HB0060

Student eligibility in sports-amendments.

Sponsored by: Representative(s) Lawley, Andrew, Angelos, Banks, Clouston, Guggenmos, Haroldson, Heiner, Kelly, Larson, JT, Neiman, Singh and Williams and Senator(s) Brennan, Crago, Hutchings, Jones, Olsen, Schuler and Steinmetz

A BILL

for

1 AN ACT relating to education; amending student eligibility
2 requirements in interscholastic or intercollegiate
3 activities; specifying requirements for the University of
4 Wyoming and community colleges for student eligibility;
5 prohibiting participation in athletic activities as
6 specified; providing definitions; repealing alternate
7 procedures for determining student eligibility; making
8 conforming amendments; and providing for effective dates.

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10 *Be It Enacted by the Legislature of the State of Wyoming:*

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12 **Section 1.** W.S. 21-25-103 is created to read:

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1 **21-25-103. Participation in female sports;**
2 **violations; remedies.**

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4 (a) Any student or a parent or guardian of a student
5 who is harmed by a false accusation of a violation of this
6 chapter or a violation of this chapter shall have a private
7 cause of action for injunctive relief, damages, attorney
8 fees and any other relief available under law against the
9 school, government entity, licensing or accrediting
10 organization, athletic association or athletic organization
11 violating this chapter.

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13 (b) Any school that suffers any direct or indirect
14 harm as a result of a false accusation of a violation of
15 this chapter or a violation of this chapter shall have a
16 private cause of action for injunctive relief, damages,
17 attorney fees and any other relief available under law
18 against the government entity, licensing or accrediting
19 organization, athletic association or athletic organization
20 violating this chapter.

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1 (c) A civil action commenced under this section shall
2 be brought not later than two (2) years after the violation
3 of this chapter occurred.

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5 **Section 2.** W.S. 21-25-101(a)(iii) and by creating new
6 paragraphs (v) through (ix) and 21-25-102(a)(intro), (b),
7 (c), (d)(i), (ii), (e) and by creating new subsections (g)
8 and (h) are amended to read:

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10 **21-25-101. Definitions.**

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12 (a) As used in this chapter:

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14 (iii) "School" means a school consisting of
15 grades ~~seven (7)~~ kindergarten (K) through 12 (twelve), or
16 any combination of grades within this range, ~~as determined~~
17 ~~by the plan of organization by the school district board of~~
18 ~~trustees~~ or an institution of higher education;

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20 (v) "Athletic activity" means an
21 interscholastic, intercollegiate or intramural athletic
22 team or sport that is sponsored by a school or an
23 organization of which the school is a member;

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(vi) "Female" means a person who naturally has, had, will have or would have, but for a congenital anomaly or intentional or unintentional disruption, the reproductive system that, at some point, produces, transports and utilizes eggs for fertilization;

(vii) "Individual sport" means an athletic activity where participants compete as individuals for a time, score or result, regardless of whether their individual time, score or result contributes to an overall team score;

(viii) "Institution of higher education" means the University of Wyoming and Wyoming community colleges;

(ix) "Male" means a person who naturally has, had, will have or would have, but for a congenital anomaly or intentional or unintentional disruption, the reproductive system that, at some point, produces, transports and utilizes sperm for fertilization.

1 **21-25-102. Participation in school athletic**
2 **activities.**

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4 (a) A public school or a private school that competes
5 against a public school shall expressly designate ~~school~~
6 ~~each~~ athletic ~~activities and teams~~ activity as one (1) of
7 the following based on sex:

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9 (b) A student of the male sex shall not compete, and
10 a ~~public~~-school shall not allow a student of the male sex
11 to compete, in an athletic activity ~~or team~~ designated for
12 students of the female sex.

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14 (c) A government entity or licensing or accrediting
15 organization shall not entertain a complaint, open an
16 investigation or take any other adverse action against a
17 school described in subsection (a) of this section for
18 maintaining separate ~~school~~-athletic activities ~~and teams~~
19 for students of the female sex.

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21 (d) Nothing in this section shall be construed to:

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1 (i) Restrict the eligibility of any student to
2 participate in any ~~interscholastic~~ athletic activity
3 designated for students of the male sex or designated as
4 coed or mixed; or

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6 (ii) Prohibit a school from permitting males to
7 train or practice with an ~~interscholastic~~ athletic activity
8 that is designated for females so long as no female is
9 deprived of a roster spot on a team ~~or sport~~ for an
10 athletic activity, opportunity to participate in a practice
11 or competition, scholarship, admission to an educational
12 institution or any other benefit that accompanies
13 participating in the ~~interscholastic~~ athletic activity
14 because of a male's participation in the athletic activity.

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16 (e) A government entity, any licensing or any
17 athletic association shall not entertain or consider a
18 complaint, open an investigation, retaliate or take any
19 adverse action against:

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21 (i) A school for maintaining separate athletic
22 ~~teams or sports activities~~ activities for students of the female sex;
23 or

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2 (ii) A student if the student or the parent or
3 guardian of a student requests a contested case pursuant to
4 subsection (f) of this section or that reports a violation
5 of this section to an employee or representative of the
6 school or athletic association or to any state or federal
7 agency with oversight of the school.

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9 (g) No school shall participate in any athletic
10 activity designated for students of the female sex with or
11 against a team that the school knows or, to a reasonable
12 degree of certainty believes, has on the team a student of
13 the male sex.

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15 (h) In the case of an individual sport, only the
16 students of the female sex directly competing against a
17 student that the school knows or, to a reasonable degree of
18 certainty believes, is a student of the male sex are
19 prohibited from competing in that athletic activity.

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21 **Section 3.** W.S. 16-4-405(a)(xiii), 21-25-101(a)(ii)
22 and 21-25-201 through 21-25-204 are repealed.

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