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SENATE BILL NO. 766

Offered January 21, 2022

A BILL to amend the Code of Virginia by adding a section numbered 22.1-23.4, relating to schools; athletics; participation in female sports; civil cause of action.

Patron—Kiggans

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-23.4 as follows:

§ 22.1-23.4. Athletics; participation in female sports.

A. For purposes of this section, "school" means any elementary or secondary school or a private school that competes in sponsored athletic events against such public schools.

B. Notwithstanding any other provision of law, all athletic teams or squads at a school, whether a school athletic team or an intramural team sponsored by such school, shall designate each such team based on biological sex as follows:

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

Male students shall not be permitted to participate on any school athletic team or squad designated for "females," "women," or "girls." This section does not apply to physical education classes at schools.

C. Nothing in this section shall be construed to restrict the eligibility of any student to participate in athletic teams or squads designated pursuant to this section as "males," "men," or "boys" or "coed" or "mixed."

D. No government entity, licensing or accrediting organization, or athletic association or organization shall entertain a complaint, open an investigation, or take any other adverse action against a school for maintaining separate athletic teams or squads for teams designated as "females," "women," or "girls."

E. Any student who (i) is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a school knowingly violating this section or (ii) is subject to retaliation or another adverse action by a school or athletic association or organization as a result of reporting a violation of this section to an employee or representative of a school or athletic association or organization, or to any state or federal agency with oversight of schools in the Commonwealth, shall have a cause of action for injunctive relief, damages, and any other relief available against the school or athletic association or organization.

F. Any school that suffers any direct or indirect harm as a result of a violation of this section shall have a cause of action for injunctive relief, damages, and any other relief available against a government entity, licensing or accrediting organization, or athletic association or organization.

G. All civil actions described in subsections E and F are required to be initiated within two years after the harm occurred. Persons or schools that prevail on a claim pursuant to this section shall be entitled to monetary damages, including for any psychological, emotional, or physical harm suffered, reasonable attorney fees, and any other appropriate relief.

INTRODUCED

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