23.0569.02000

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1249

Introduced by

Representatives Koppelman, Cory, Kasper, Louser, Meier, Novak, VanWinkle

Senators Boehm, Estenson, Larson, Myrdal, Paulson

A BILL for an Act to create and enact chapter 15.1-41 and a new section to chapter 44-08 of the North Dakota Century Code, relating to requiring schools to designate their athletic teams and sports for male, female, or coed participation and limitations on use of governmental property for athletic events.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Chapter 15.1-41 of the North Dakota Century Code is created and enacted as follows:

15.1-41-01. Definitions.

As used in this chapter:

1. "School" means a public school or a not-for-profit nonpublic school whose athletic teams compete against a public school.
2. "Sex" means the biological state of being female or male, based on an individual's nonambiguous sex organs, chromosomes, and endogenous hormone profile at birth.
3. "Student" means an individual enrolled at a school.

15.1-41-02. Designation of athletic teams.

1. An interscholastic or intramural athletic team or sport sponsored by an institution must be expressly designated as one of the following based on the biological sex of the intended participants:
   a. "Males", "men", or "boys";
   b. "Females", "women", or "girls"; or
   c. "Coed" or "mixed".
2. An athletic team or sport designated for "females", "women", or "girls" may not be open to students of the male sex.

3. This section may not be construed to restrict the eligibility of a student to participate in interscholastic or intramural athletic teams or sports designated as "males", "men", or "boys" or designated as "coed" or "mixed".

15.1-41-03. Adverse action against school prohibition.

A government entity, a licensing or accrediting organization, or an athletic association or organization may not entertain a complaint, open an investigation, or take any other adverse action against a school for maintaining separate interscholastic or intramural athletic teams or sports for students of the female sex.

15.1-41-04. Cause of action.

1. A student who is deprived of an athletic opportunity or who suffers direct or indirect harm as a result of a school knowingly violating this chapter has a private cause of action for injunctive relief, damages, and any other relief available under law against the school.
2. A student subject to retaliation or other adverse action by a school or athletic association or organization as a result of reporting a violation of this chapter to an employee or representative of the school or athletic association or organization, or to a state or federal agency with oversight of schools in the state has a private cause of action for injunctive relief, damages, and any other relief available under law against the school or athletic association or organization.
3. A school that suffers direct or indirect harm as a result of a violation of this chapter has a private cause of action for injunctive relief, damages, and any other relief available under law against the government entity, licensing or accrediting organization, or athletic association or organization.
4. A civil action must be initiated within two years after the harm occurred. A person that prevails on a claim brought pursuant to this section is entitled to monetary damages, including for any psychological, emotional, and physical harm suffered, reasonable attorneys' fees and costs, and any other appropriate relief.

SECTION 2. A new section to chapter 44-08 of the North Dakota Century Code is created and enacted as follows:

Use of property for athletic events.

The state, a political subdivision, or an entity that receives public funding from the state or from a political subdivision may not use or permit to be used an athletic facility, stadium, field, structure, or other property owned by or under the control of the state, political subdivision, or entity for an athletic event conducted exclusively for males or exclusively for females in which an individual of the opposite sex who is under eighteen years of age or who is enrolled in high school is allowed to participate. As used in this section, "sex" means the biological state of being female or male, based on an individual's nonambiguous sex organs, chromosomes, and endogenous hormone profile at birth.