SB 524 - AS INTRODUCED

2024 SESSION

24-2874 09/10

SENATE BILL 524

AN ACT relative to women's sports.

SPONSORS: Sen. Lang, Dist 2; Sen. Avard, Dist 12; Sen. Gannon, Dist 23; Sen. Innis, Dist 7;

Sen. Pearl, Dist 17; Sen. Gendreau, Dist 1; Sen. Ward, Dist 8; Sen. Abbas, Dist 22; Sen. Murphy, Dist 16; Rep. Ladd, Graf. 5; Rep. Moffett, Merr. 4; Rep. Edwards,

Rock. 31

COMMITTEE: Education

ANALYSIS

This bill requires any interscholastic, intercollegiate, or club athletic team, sport, or athletic event that is sponsored or sanctioned by a school, school district, an activities association or organization under the control of the state board of education, or an institution of higher education under either the university system or the community college system to be designated based on the biological sex at birth of the participating athletes, and restricts those participating in sports designated as "female" to biological females.

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Explanation: Matter added to current law appears in bold italics.

Matter removed from current law appears [in brackets and struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to women's sports.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1	1 Short Title. This act shall be known and may be cited as "The Protection of Women's Sports
2	Act".
3	2 New Chapter; School Athletics. Amend RSA by inserting after chapter 193-J the following
4	new chapter:
5	CHAPTER 193-K
6	SCHOOL ATHLETICS
7	193-K:1 School Athletics Designated by Biological Sex.
8	I. Any interscholastic, intercollegiate, or club athletic team, sport, or athletic event that is
9	sponsored or sanctioned by a school, school district, an activities association or organization under
10	the control of the state board of education, or an institution of higher education under either the
11	university system or the community college system shall be designated as one of the following, based
12	on the biological sex at birth of the participating athletes:
13	(a) Females, women, or girls;
14	(b) Males, men, or boys; or
15	(c) Coeducational, mixed, or unified.
16	II. For purposes of this section, biological sex is either female or male as described by the sex
17	listed on the athlete's official birth certificate issued at or near the time of the athlete's birth.
18	III. An athlete, based on his or her biological sex as described in paragraph II, may only
19	participate in a team, sport, or athletic event designated for the athlete's biological sex.
20	IV. The failure to comply with this section is a waiver of sovereign immunity.
21	193-K:2 Cause of Action for Affected Athlete.
22	I. If an athlete suffers direct or indirect harm as a result of a violation of RSA 193-K:1, that
23	athlete has a private cause of action for injunctive relief and any other equitable relief available
24	under law, against the school, school district, activities association or organization, or institution of
25	higher education that caused the harm.
26	II. If an athlete is subjected to retaliation or other adverse action by a school, school district,
27	activities association or organization, or institution of higher education as a result of reporting a
28	violation of RSA 193-K:1 to an employee or representative of the school, school district, activities
29	association or organization, institution of higher education, or to a state or federal governmental
30	entity having oversight authority, that athlete has a private cause of action for injunctive relief and
31	any other equitable relief available under law, against the school, school district, activities

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- association or organization, or institution of higher education. In addition, no governmental entity may investigate a complaint or take any adverse action against a school, school district, activities association or organization, or institution of higher education, or any employee or governing board member of the foregoing, for compliance with RSA 193-K:1.
- 193-K:3 Cause of Action for School, School District, or Institution of Higher Education. If a school, school district, or institution of higher education suffers any direct or indirect harm as a result of a violation of RSA 193-K:1, that school, school district, or institution of higher education has a private cause of action for injunctive relief and any other equitable relief available under law, against the governmental entity, licensing or accrediting organization, or activities association or organization.
- 11 193-K:4 Limitations Upon Actions; Attorney's Fees.

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- I. No governmental entity, school, school district, or institution of higher education may be liable to any athlete for its compliance with RSA 193-K:1.
- II. A civil action under RSA 193-K:2 or RSA 193-K:3 must be initiated within 2 years from the date the alleged harm occurred.
 - III. Any party prevailing on a claim brought under RSA 193-K:2 or RSA 193-K:3 is entitled to reasonable attorney's fees and costs.
 - 3 Effective Date. This act shall take effect July 1, 2024.