

HB0836/203223/1

BY: Delegate Krebs

AMENDMENTS TO HOUSE BILL 836, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, strike “**Public Schools –**”; and in line 10, strike “in public schools”.

On page 1 of the Ways and Means Committee Amendments (HB0836/733822/1), in line 7 of Amendment No. 1, after “facilities;” insert “requiring certain interscholastic and intramural athletic teams or sports sponsored by certain schools to be expressly designated based on biological sex; prohibiting certain entities from taking certain adverse actions against a school or county board of education for maintaining separate interscholastic and intramural athletic teams and sports for students of the female sex; providing that certain individuals have the right to bring a civil action under certain circumstances;”;

and in line 11 after “Section” insert “7–129 and”.

AMENDMENT NO. 2

On page 5 of the bill, before line 9, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

7–129.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "STUDENT OF THE FEMALE SEX" MEANS A STUDENT WHOSE BIOLOGICAL SEX IS FEMALE.

(3) "STUDENT OF THE MALE SEX" MEANS A STUDENT WHOSE BIOLOGICAL SEX IS MALE.

(B) THIS SECTION APPLIES TO:

(1) PUBLIC HIGH SCHOOLS; AND

(2) NONPUBLIC HIGH SCHOOLS WHOSE STUDENT ATHLETES OR ATHLETIC TEAMS COMPETE AGAINST STUDENT ATHLETES OR ATHLETIC TEAMS FROM PUBLIC HIGH SCHOOLS IN THE STATE.

(C) (1) A COMPETITIVE VARSITY SPORTS TEAM OR SPORT THAT IS SPONSORED BY A PUBLIC OR NONPUBLIC HIGH SCHOOL SHALL BE EXPRESSLY DESIGNATED AS ONE OF THE FOLLOWING BASED ON BIOLOGICAL SEX:

(I) A BOYS, MALE, OR MEN'S TEAM OR SPORT;

(II) A GIRLS, FEMALE, OR WOMEN'S TEAM OR SPORT; OR

(III) A COEDUCATIONAL OR MIXED TEAM OR SPORT.

(2) A COMPETITIVE VARSITY SPORTS TEAM OR SPORT DESIGNATED FOR GIRLS, FEMALES, OR WOMEN MAY NOT INCLUDE STUDENTS OF THE MALE SEX.

(D) A GOVERNMENTAL ENTITY, A LICENSING OR ACCREDITING ORGANIZATION, OR AN ATHLETIC ASSOCIATION OR ORGANIZATION MAY NOT ACCEPT A COMPLAINT, CONDUCT AN INVESTIGATION, OR TAKE ANY OTHER ADVERSE ACTION AGAINST A HIGH SCHOOL OR COUNTY BOARD FOR MAINTAINING SEPARATE COMPETITIVE VARSITY SPORTS TEAMS OR SPORTS FOR STUDENTS OF THE FEMALE SEX.

(E) (1) (i) A STUDENT WHO IS DEPRIVED OF AN ATHLETIC OPPORTUNITY OR SUFFERS ANY DIRECT OR INDIRECT HARM AS A RESULT OF A VIOLATION OF THIS SECTION MAY BRING A CIVIL ACTION AGAINST THE HIGH SCHOOL THE STUDENT ATTENDS.

(ii) A STUDENT WHO IS SUBJECT TO RETALIATION OR OTHER ADVERSE ACTION BY A HIGH SCHOOL OR AN ATHLETIC ASSOCIATION OR ORGANIZATION AS A RESULT OF REPORTING A VIOLATION OF THIS SECTION TO AN EMPLOYEE OR REPRESENTATIVE OF THE HIGH SCHOOL, ATHLETIC ASSOCIATION OR ORGANIZATION, OR ANY STATE OR FEDERAL AGENCY WITH OVERSIGHT OF HIGH SCHOOLS IN THE STATE MAY BRING A CIVIL ACTION AGAINST THE HIGH SCHOOL OR ATHLETIC ASSOCIATION OR ORGANIZATION.

(iii) A HIGH SCHOOL THAT SUFFERS ANY DIRECT OR INDIRECT HARM FROM A GOVERNMENTAL ENTITY, A LICENSING OR ACCREDITING ORGANIZATION, OR AN ATHLETIC ASSOCIATION OR ORGANIZATION AS A RESULT OF A VIOLATION OF THIS SECTION MAY BRING A CIVIL ACTION AGAINST THE GOVERNMENTAL ENTITY, LICENSING OR ACCREDITING ORGANIZATION, OR ATHLETIC ASSOCIATION OR ORGANIZATION.

(2) A CIVIL ACTION INITIATED UNDER THIS SECTION MUST BE INITIATED WITHIN 2 YEARS AFTER THE HARM OCCURRED.

(3) AN INDIVIDUAL WHO PREVAILS IN A CIVIL ACTION UNDER THIS SECTION MAY RECOVER:

(i) MONETARY DAMAGES, INCLUDING DAMAGES FOR ANY PSYCHOLOGICAL, EMOTIONAL, AND PHYSICAL HARM SUFFERED;

(ii) REASONABLE ATTORNEY'S FEES AND COSTS; AND

(iii) ANY OTHER RELIEF, INCLUDING AN INJUNCTION, AS THE COURT MAY DETERMINE APPROPRIATE.

SECTION 3. AND BE IT FURTHER ENACTED, That if any provision of Section 2 of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the provision shall be construed to give the provision the maximum effect permitted by law unless the provision is held to be absolutely invalid.

SECTION 4. AND BE IT FURTHER ENACTED, That, if any provision of Section 2 of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.”;

and in line 9, strike “2.” and substitute “5.”.