

HOUSE BILL 47

F1, D5
HB 359/23 – W&M

(PRE-FILED)

4r1132
CF 4r1133

By: **Delegates Szeliga, Arikan, Chisholm, Fisher, Grammer, Hutchinson, Kipke, R. Long, Mangione, McComas, Miller, M. Morgan, T. Morgan, Munoz, Nawrocki, Schmidt, and Tomlinson**

Requested: October 24, 2023

Introduced and read first time: January 10, 2024

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Interscholastic and Intramural Junior Varsity and Varsity Teams**
3 **– Designation Based on Sex**
4 **(Fairness in Girls’ Sports Act)**

5 FOR the purpose of requiring certain interscholastic and intramural junior varsity and
6 varsity athletic teams or sports sponsored by certain schools to be expressly
7 designated based on biological sex; prohibiting certain entities from taking certain
8 adverse actions against a school for maintaining separate interscholastic and
9 intramural junior varsity and varsity athletic teams and sports for students of the
10 female sex; providing that certain individuals have the right to bring a civil action
11 under certain circumstances; and generally relating to interscholastic and
12 intramural junior varsity and varsity teams and sports of public and nonpublic
13 schools.

14 BY adding to
15 Article – Education
16 Section 7–118
17 Annotated Code of Maryland
18 (2022 Replacement Volume and 2023 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Education**

22 **7–118.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

7 (B) THIS SECTION APPLIES TO:

8 (1) PUBLIC HIGH SCHOOLS; AND

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

12 (C) (1) AN INTERSCHOLASTIC OR INTRAMURAL JUNIOR VARSITY OR
13 VARSITY ATHLETIC TEAM OR SPORT THAT IS SPONSORED BY A PUBLIC OR
14 NONPUBLIC HIGH SCHOOL SHALL BE EXPRESSLY DESIGNATED AS ONE OF THE
15 FOLLOWING BASED ON BIOLOGICAL SEX:

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

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

18 (III) A COEDUCATIONAL OR MIXED TEAM OR SPORT.

19 (2) AN INTERSCHOLASTIC OR INTRAMURAL JUNIOR VARSITY OR
20 VARSITY ATHLETIC TEAM OR SPORT DESIGNATED FOR GIRLS, FEMALES, OR WOMEN
21 MAY NOT INCLUDE STUDENTS OF THE MALE SEX.

22 (D) A GOVERNMENTAL ENTITY, A LICENSING OR ACCREDITING
23 ORGANIZATION, OR AN ATHLETIC ASSOCIATION OR ORGANIZATION MAY NOT ACCEPT
24 A COMPLAINT, CONDUCT AN INVESTIGATION, OR TAKE ANY OTHER ADVERSE ACTION
25 AGAINST A SCHOOL FOR MAINTAINING SEPARATE INTERSCHOLASTIC OR
26 INTRAMURAL JUNIOR VARSITY OR VARSITY ATHLETIC TEAMS OR SPORTS FOR
27 STUDENTS OF THE FEMALE SEX.

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

1 **(II) A STUDENT WHO IS SUBJECT TO RETALIATION OR OTHER**
2 **ADVERSE ACTION BY A SCHOOL OR AN ATHLETIC ASSOCIATION OR ORGANIZATION**
3 **AS A RESULT OF REPORTING A VIOLATION OF THIS SECTION TO AN EMPLOYEE OR**
4 **REPRESENTATIVE OF THE SCHOOL, ATHLETIC ASSOCIATION OR ORGANIZATION, OR**
5 **ANY STATE OR FEDERAL AGENCY WITH OVERSIGHT OF SCHOOLS IN THE STATE MAY**
6 **BRING A CIVIL ACTION AGAINST THE SCHOOL OR ATHLETIC ASSOCIATION OR**
7 **ORGANIZATION.**

8 **(III) A SCHOOL THAT SUFFERS ANY DIRECT OR INDIRECT HARM**
9 **FROM A GOVERNMENTAL ENTITY, A LICENSING OR ACCREDITING ORGANIZATION,**
10 **OR AN ATHLETIC ASSOCIATION OR ORGANIZATION AS A RESULT OF A VIOLATION OF**
11 **THIS SECTION MAY BRING A CIVIL ACTION AGAINST THE GOVERNMENTAL ENTITY,**
12 **LICENSING OR ACCREDITING ORGANIZATION, OR ATHLETIC ASSOCIATION OR**
13 **ORGANIZATION.**

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

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

18 **(I) MONETARY DAMAGES, INCLUDING DAMAGES FOR ANY**
19 **PSYCHOLOGICAL, EMOTIONAL, AND PHYSICAL HARM SUFFERED;**

20 **(II) REASONABLE ATTORNEY'S FEES AND COSTS; AND**

21 **(III) ANY OTHER RELIEF, INCLUDING AN INJUNCTION, AS THE**
22 **COURT MAY DETERMINE APPROPRIATE.**

23 **(F) THIS SECTION MAY BE KNOWN AND CITED AS THE FAIRNESS IN GIRLS'**
24 **SPORTS ACT.**

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

29 SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act or
30 the application thereof to any person or circumstance is held invalid for any reason in a
31 court of competent jurisdiction, the invalidity does not affect other provisions or any other
32 application of this Act that can be given effect without the invalid provision or application,
33 and for this purpose the provisions of this Act are declared severable.

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2024.