AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-120.01; RELATING TO INTERSCHOLASTIC ATHLETICS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 15, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 15-120.01, to read:

15-120.01. Designation of athletic teams; educational institutions; cause of action; definition

A. An interscholastic or intramural athletic team or sport that is sponsored by an educational institution in this state must be expressly designated as one of the following based on biological sex:

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

B. Athletic teams or sports designated for females, women or girls may not be open to students of the male sex.

C. If disputed, a student may establish the student's sex by presenting a signed physician's statement that indicates the student's sex based only on all of the following factors:

1. The student's internal and external reproductive anatomy.
2. The student's normal endogenously produced levels of testosterone.
3. An analysis of the student's genetic makeup.

D. A governmental 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 an educational institution for maintaining separate interscholastic or intramural athletic teams or sports for students of the female sex.

E. Any student who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a violation of this section has a private cause of action for injunctive relief, damages and any other relief available under law against the educational institution.

F. Any student who is subject to retaliation or other adverse action by an educational institution or athletic association or organization as a result of reporting a violation of this section to an employee or representative of the educational institution or athletic association or organization or to any state or federal agency with oversight of educational institutions in this state has a private cause of action for injunctive relief, damages and any other relief available under law against the educational institution or athletic association or organization.

G. Any eligible institution that suffers any direct or indirect harm as a result of a violation of this section has a private cause of action for injunctive relief, damages and any other relief available under law against the governmental entity, licensing or accrediting organization or athletic association or organization.

H. A civil action under this section must be initiated within two years after the harm occurs. A person that prevails on a claim brought
UNDER THIS SECTION IS ENTITLED TO MONETARY DAMAGES, INCLUDING FOR ANY
PSYCHOLOGICAL, EMOTIONAL AND PHYSICAL HARM SUFFERED, ANY REASONABLE
ATTORNEY FEES AND COSTS AND ANY OTHER APPROPRIATE RELIEF.

I. FOR THE PURPOSES OF THIS SECTION, "EDUCATIONAL INSTITUTION"
MEANS ANY OF THE FOLLOWING:

1. A PUBLIC SCHOOL, WHETHER OR NOT THE PUBLIC SCHOOL IS A MEMBER OF
AN INTERSCHOLASTIC ATHLETIC ASSOCIATION OR ORGANIZATION.

2. A PRIVATE SCHOOL THAT IS A MEMBER OF AN INTERSCHOLASTIC ATHLETIC
ASSOCIATION OR ORGANIZATION.

3. A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF
REGENTS, WHETHER OR NOT THE UNIVERSITY IS A MEMBER OF ANY ASSOCIATION
LISTED IN PARAGRAPH 5 OF THIS SUBSECTION.

4. A COMMUNITY COLLEGE AS DEFINED IN SECTION 15-1401, WHETHER OR
NOT THE COMMUNITY COLLEGE IS A MEMBER OF ANY ASSOCIATION LISTED IN
PARAGRAPH 5 OF THIS SUBSECTION.

5. ANY OTHER INSTITUTION OF HIGHER EDUCATION THAT IS A MEMBER OF
ANY OF THE FOLLOWING:
(a) A NATIONAL COLLEGIATE ATHLETIC ASSOCIATION.
(b) A NATIONAL ASSOCIATION OF INTERCOLLEGIATE ATHLETICS.
(c) A NATIONAL JUNIOR COLLEGE ATHLETIC ASSOCIATION.

Sec. 2. Severability

If a provision of this act or its application to any person or
circumstance is held invalid, the invalidity does not affect other
provisions or applications of the act that can be given effect without the
invalid provision or application, and to this end the provisions of this
act are severable.

Sec. 3. Short title

This act may be cited as the "Save Women’s Sports Act".