



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature  
Second Regular Session

House: HHS DPA 5-4-0-0

## **HB2706: interscholastic athletics; biological sex**

**Sponsor: Representative Barto, LD 15**

**Caucus & COW**

### **Overview**

Provides that an interscholastic or intramural athletic team or sport that is sponsored by an educational institution in Arizona must be based on biological sex.

### **History**

Current law requires each governing board to consider the cultural traditions of pupils when establishing or enforcing rules related to a pupil's participation in extracurricular school activities. If district rules regulating a district's participation in an extracurricular program prohibit a student from participating because of a pupil's cultural traditions, the governing board may adopt alternative rules which would allow that pupil to participate but take into consideration the health or safety of the pupil or any other person participating in the activities ([A.R.S. § 15-247](#)).

### **Provisions**

1. Provides that an interscholastic or intramural athletic team or sport that is sponsored by an educational institution in Arizona must be expressly designated as one of the following based on biological sex:
  - a) Males, men or boys;
  - b) Females, women or girls; or
  - c) Coed or mixed sex. (Sec. 1)
2. States that athletic teams or sports designated for females, women or girls may not be open to students of the male sex. (Sec. 1)
3. Allows, if disputed, a student to 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:
  - a) The student's internal and external reproductive anatomy;
  - b) The student's normal endogenously produced levels of testosterone; and
  - c) An analysis of the student's genetic makeup. (Sec. 1)
4. Prohibits a governmental entity, a licensing or accrediting organization or an athletic association or organization from entertaining a complaint, opening an investigation or taking any other adverse action against an educational institution for maintaining separate interscholastic or intramural athletic teams or sports for students of the female sex. (Sec. 1)
5. States any student who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a violation has a private cause of action for injunctive relief, damages and any other relief available under law against the educational institution. (Sec. 1)
6. States 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 to an employee, representative of the educational institution, athletic association, organization or

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any state or federal agency with oversight of educational institutions in Arizona has a private cause of action for injunctive relief, damages and any other relief available under law against the educational institution, athletic association or organization. (Sec. 1)

7. Asserts that any eligible institution that suffers any direct or indirect harm as a result of a violation 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. (Sec. 1)
8. Stipulates that a civil action must be initiated within two years after the harm occurs. (Sec. 1)
9. States a person who prevails on a claim brought 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. (Sec. 1)
10. Defines *educational institution*. (Sec. 1)
11. Contains a severability clause. (Sec. 2)
12. Cites this act as *Save Women's Sports Act*. (Sec. 3)

### **Amendments**

Committee on Health & Human Services

1. Contains a legislative findings and purpose clause.
2. Clarifies requirements regarding the physician's statement.