

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S4/1/21
A Bill

SENATE BILL 450

By: Senators Irvin, Beckham, Bledsoe, Caldwell, A. Clark, B. Davis, J. Dismang, J. English, Flippo, T. Garner, Gilmore, K. Hammer, Hester, Hill, B. Johnson, M. Johnson, Rapert, G. Stubblefield, D. Wallace
By: Representatives Vaught, Barker, Bentley, S. Berry, Brown, Cavanaugh, Christiansen, Cloud, Coleman, C. Cooper, Cozart, Crawford, Dalby, M. Davis, C. Fite, Furman, Gonzales, M. Gray, Haak, Jett, Ladyman, Lundstrum, J. Mayberry, McGrew, McKenzie, Milligan, Payton, Penzo, Pilkington, Ray, Richmond, Rye, B. Smith, Speaks, Tosh, Watson, Wing, Womack

For An Act To Be Entitled

AN ACT TO CREATE THE GENDER INTEGRITY REINFORCEMENT
LEGISLATION FOR SPORTS (GIRLS) ACT; TO CREATE A LEGAL
CAUSE OF ACTION FOR A VIOLATION OF THE GENDER
INTEGRITY REINFORCEMENT LEGISLATION FOR SPORTS
(GIRLS) ACT; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE GENDER INTEGRITY
REINFORCEMENT LEGISLATION FOR SPORTS
(GIRLS) ACT; AND TO CREATE A LEGAL CAUSE
OF ACTION FOR A VIOLATION OF THE GENDER
INTEGRITY REINFORCEMENT LEGISLATION FOR
SPORTS (GIRLS) ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 16 is amended to add a new chapter to read as follows:

Chapter 129

GENDER INTEGRITY REINFORCEMENT LEGISLATION FOR SPORTS (GIRLS) ACT



16-129-101. Title.

This chapter shall be known and may be cited as the "Gender Integrity Reinforcement Legislation for Sports (GIRLS) Act".

16-129-102. Legislative findings.

The General Assembly finds that:

(1) Like the United States Senate, the General Assembly recognizes that "athletic participation helps develop self-discipline ... confidence, and leadership skills" S. Res. 398, 115th Cong. (2018);

(2) The same United States Senate resolution states that "opportunities for athletic participation should be available to all individuals," both male and female;

(3) The same United States Senate resolution also states that, although "the share of athletic participation opportunities of high school girls has increased more than sixfold since the passage of Title IX of the Education Amendments of 1972 . . . high school girls still experience . . . a lower share of athletic participation opportunities than high school boys";

(4) According to the same United States Senate resolution, disparities also still remain at the collegiate level;

(5) This chapter seeks to address these lingering disparities and, as stated in the same United States Senate resolution, "promote equality in sports and access to athletic opportunities for girls and women";

(6) To serve these goals, the General Assembly finds that there are "inherent differences between men and women," borrowing the words of Justice Ruth Bader Ginsburg for a majority of the United States Supreme Court in United States v. Virginia, 518 U.S. 515, 533 (1996); and

(7) As Justice Ginsburg further said, these inherent differences "remain cause for celebration, but not for denigration of the members of either sex or for artificial constraints on an individual's opportunity".

16-129-103. Definitions.

As used in this chapter:

(1) "Covered entity" means:

(A) An elementary school, high school, secondary school, or postsecondary school that is located in Arkansas and receives state funds;

(B) Any other school or institution that is located in

Arkansas whose students or teams compete in interscholastic, intercollegiate, intramural, or club athletic teams or sports against an entity defined in subdivision (1)(A) of this section; and

(C) An entity that receives membership fees or any other funds from an entity defined in subdivision (1)(A) or subdivision (1)(B) of this section; and

(2) "Sex" means a person's immutable biological sex as objectively determined by anatomy and genetics existing at the time of birth.

16-129-104. Participation requirements.

(a) Any interscholastic, intercollegiate, intramural, or club athletic teams or sports that are sponsored by a covered entity shall be expressly designated for one (1) of the following groups based on sex:

- (1) Males, men, or boys;
- (2) Females, women, or girls; or
- (3) Coed or mixed.

(b) Members of the male sex are prohibited from an interscholastic, intercollegiate, intramural, or club athletic team or sport that is expressly designated for females, women, or girls.

16-129-105. Civil cause of action.

(a) The Attorney General may bring a cause of action for injunctive relief and any other relief available under the law or in equity against:

- (1) A covered entity that knowingly violates this chapter; and
- (2) The directors, officers, agents, and employees of a covered entity that knowingly violates this chapter.

(b) A court that finds a covered entity has knowingly violated this chapter shall, in addition to awarding any relief requested under subsection (a) of this section, enter an injunction barring the covered entity from receiving funds from any public source, including without limitation membership fees from a school, for a period of one (1) year.

/s/Irvin