

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S2/23/21

SJR 16

By: Senator A. Clark

SENATE JOINT RESOLUTION

AN AMENDMENT TO THE ARKANSAS CONSTITUTION PROVIDING THAT INTERSCHOLASTIC OR INTRAMURAL ATHLETIC TEAMS THAT ARE SPONSORED BY A PUBLIC SCHOOL SHALL BE EXPRESSLY DESIGNATED BASED ON BIOLOGICAL SEX; AND PROVIDING THAT ATHLETIC TEAMS OR SPORTS DESIGNATED FOR "FEMALES", "WOMEN", OR "GIRLS" SHALL NOT BE OPEN *TO STUDENTS OF THE MALE SEX.*

Subtitle

AN AMENDMENT TO THE ARKANSAS CONSTITUTION PROVIDING THAT INTERSCHOLASTIC OR INTRAMURAL ATHLETIC TEAMS THAT ARE SPONSORED BY A PUBLIC SCHOOL SHALL BE EXPRESSLY DESIGNATED BASED ON BIOLOGICAL SEX.

BE IT RESOLVED BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

That the following is proposed as an amendment to the Constitution of the State of Arkansas, and upon being submitted to the electors of the state for approval or rejection at the next general election for Representatives and Senators, if a majority of the electors voting thereon at the election adopt the amendment, the amendment shall become a part of the Constitution of the State of Arkansas, to wit:



SECTION 1. Arkansas Constitution, Article 14, is amended to add an additional section to read as follows:

§ 5. Designation of athletic teams.

(a) The provisions of this section are part of the maintenance of a general, suitable, and efficient system of free public schools under Arkansas Constitution, Article 14, § 1.

(b) Interscholastic or intramural athletic teams that are sponsored by a public school shall be expressly designated as one (1) of the following based on biological sex:

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

(c) Athletic teams or sports designated for "females", "women", or "girls" shall not be open to students of the male sex.

(d) The General Assembly may enact laws to implement this section, including without limitation laws concerning:

(1) Protections for public schools from complaints, investigations, or other adverse actions for maintaining separate interscholastic or intramural athletic teams or sports for students of the male and female sex; and

(2) Causes of action for injunctive relief, damages, and any other relief available under law for:

(A) A student who is deprived of an athletic opportunity or who suffers direct or indirect harm resulting from a violation of this section;

(B) A student who is subject to retaliation or other adverse action by a public school as a result of reporting a violation of this section; or

(C) A public school that suffers any direct or indirect harm as a result of a violation of this section.

SECTION 2. EFFECTIVE DATE. This amendment shall be effective on and after November 9, 2022.

SECTION 3. BALLOT TITLE AND POPULAR NAME. When this proposed amendment is submitted to the electors of this state on the general election

ballot:

(1) The title of this Joint Resolution shall be the ballot title; and

(2) The popular name shall be "A Constitutional Amendment Providing that Interscholastic or Intramural Athletic Teams that are Sponsored by a Public School Shall Be Expressly Designated Based on Biological Sex and Providing that Athletic Teams or Sports Designated for "Females", "Women", or "Girls" Shall Not Be Open to Students of the Male Sex.

/s/A. Clark