

REFERENCE TITLE: interscholastic athletics; biological sex

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
Second Regular Session  
2020

## **HB 2706**

Introduced by  
Representatives Barto: Biasiucci, Blackman, Bolick, Cobb, Dunn, Fillmore,  
Finchem, Grantham, Griffin, Kavanagh, Lawrence, Nutt, Osborne, Payne,  
Petersen, Pierce, Rivero, Roberts, Thorpe, Toma, Townsend, Weninger

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)

1 Be it enacted by the Legislature of the State of Arizona:

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

4 15-120.01. Designation of athletic teams; educational  
5 institutions; cause of action; definition

6 A. AN INTERSCHOLASTIC OR INTRAMURAL ATHLETIC TEAM OR SPORT THAT IS  
7 SPONSORED BY AN EDUCATIONAL INSTITUTION IN THIS STATE MUST BE EXPRESSLY  
8 DESIGNATED AS ONE OF THE FOLLOWING BASED ON BIOLOGICAL SEX:

- 9 1. MALES, MEN OR BOYS.  
10 2. FEMALES, WOMEN OR GIRLS.  
11 3. COED OR MIXED SEX.

12 B. ATHLETIC TEAMS OR SPORTS DESIGNATED FOR FEMALES, WOMEN OR GIRLS  
13 MAY NOT BE OPEN TO STUDENTS OF THE MALE SEX.

14 C. IF DISPUTED, A STUDENT MAY ESTABLISH THE STUDENT'S SEX BY  
15 PRESENTING A SIGNED PHYSICIAN'S STATEMENT THAT INDICATES THE STUDENT'S SEX  
16 BASED ONLY ON ALL OF THE FOLLOWING FACTORS:

- 17 1. THE STUDENT'S INTERNAL AND EXTERNAL REPRODUCTIVE ANATOMY.  
18 2. THE STUDENT'S NORMAL ENDOGENOUSLY PRODUCED LEVELS OF  
19 TESTOSTERONE.  
20 3. AN ANALYSIS OF THE STUDENT'S GENETIC MAKEUP.

21 D. A GOVERNMENTAL ENTITY, A LICENSING OR ACCREDITING ORGANIZATION  
22 OR AN ATHLETIC ASSOCIATION OR ORGANIZATION MAY NOT ENTERTAIN A COMPLAINT,  
23 OPEN AN INVESTIGATION OR TAKE ANY OTHER ADVERSE ACTION AGAINST AN  
24 EDUCATIONAL INSTITUTION FOR MAINTAINING SEPARATE INTERSCHOLASTIC OR  
25 INTRAMURAL ATHLETIC TEAMS OR SPORTS FOR STUDENTS OF THE FEMALE SEX.

26 E. ANY STUDENT WHO IS DEPRIVED OF AN ATHLETIC OPPORTUNITY OR  
27 SUFFERS ANY DIRECT OR INDIRECT HARM AS A RESULT OF A VIOLATION OF THIS  
28 SECTION HAS A PRIVATE CAUSE OF ACTION FOR INJUNCTIVE RELIEF, DAMAGES AND  
29 ANY OTHER RELIEF AVAILABLE UNDER LAW AGAINST THE EDUCATIONAL INSTITUTION.

30 F. ANY STUDENT WHO IS SUBJECT TO RETALIATION OR OTHER ADVERSE  
31 ACTION BY AN EDUCATIONAL INSTITUTION OR ATHLETIC ASSOCIATION OR  
32 ORGANIZATION AS A RESULT OF REPORTING A VIOLATION OF THIS SECTION TO AN  
33 EMPLOYEE OR REPRESENTATIVE OF THE EDUCATIONAL INSTITUTION OR ATHLETIC  
34 ASSOCIATION OR ORGANIZATION OR TO ANY STATE OR FEDERAL AGENCY WITH  
35 OVERSIGHT OF EDUCATIONAL INSTITUTIONS IN THIS STATE HAS A PRIVATE CAUSE OF  
36 ACTION FOR INJUNCTIVE RELIEF, DAMAGES AND ANY OTHER RELIEF AVAILABLE UNDER  
37 LAW AGAINST THE EDUCATIONAL INSTITUTION OR ATHLETIC ASSOCIATION OR  
38 ORGANIZATION.

39 G. ANY ELIGIBLE INSTITUTION THAT SUFFERS ANY DIRECT OR INDIRECT  
40 HARM AS A RESULT OF A VIOLATION OF THIS SECTION HAS A PRIVATE CAUSE OF  
41 ACTION FOR INJUNCTIVE RELIEF, DAMAGES AND ANY OTHER RELIEF AVAILABLE UNDER  
42 LAW AGAINST THE GOVERNMENTAL ENTITY, LICENSING OR ACCREDITING ORGANIZATION  
43 OR ATHLETIC ASSOCIATION OR ORGANIZATION.

44 H. A CIVIL ACTION UNDER THIS SECTION MUST BE INITIATED WITHIN TWO  
45 YEARS AFTER THE HARM OCCURS. A PERSON THAT PREVAILS ON A CLAIM BROUGHT

1 UNDER THIS SECTION IS ENTITLED TO MONETARY DAMAGES, INCLUDING FOR ANY  
2 PSYCHOLOGICAL, EMOTIONAL AND PHYSICAL HARM SUFFERED, ANY REASONABLE  
3 ATTORNEY FEES AND COSTS AND ANY OTHER APPROPRIATE RELIEF.

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

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

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

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

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

16 5. ANY OTHER INSTITUTION OF HIGHER EDUCATION THAT IS A MEMBER OF  
17 ANY OF THE FOLLOWING:

18 (a) A NATIONAL COLLEGIATE ATHLETIC ASSOCIATION.

19 (b) A NATIONAL ASSOCIATION OF INTERCOLLEGIATE ATHLETICS.

20 (c) A NATIONAL JUNIOR COLLEGE ATHLETIC ASSOCIATION.

21 Sec. 2. Severability

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

27 Sec. 3. Short title

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