First Regular Session of the 124th General Assembly (2025)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2024 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1041

AN ACT to amend the Indiana Code concerning higher education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 21-18-13.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]:

Chapter 13.5. Athletic Teams and Sports

Sec. 1. This chapter applies to the following:

(1) An athletic team or sport that is organized, sanctioned, or sponsored by a state educational institution in which the students participating on the athletic team or in the sport compete against students participating on an athletic team or in a sport that is organized, sanctioned, or sponsored by another state educational institution or a private postsecondary educational institution.

(2) An athletic team or sport that is organized, sanctioned, or sponsored by a private postsecondary educational institution that voluntarily competes against an athletic team or in a sport that is organized, sanctioned, or sponsored by a state educational institution.

Sec. 2. (a) A state educational institution or private postsecondary educational institution that organizes, sanctions, or sponsors an athletic team or sport described in section 1 of this chapter shall expressly designate the athletic team or sport as one (1) of the following:

(1) A male, men's, or boys' team or sport.

(2) A female, women's, or girls' team or sport.

(3) A coeducational or mixed team or sport.

(b) A male, based on a student's biological sex at birth in accordance with the student's genetics and reproductive biology, may not participate on an athletic team or sport designated under this section as being a female, women's, or girls' athletic team or sport.

Sec. 3. (a) A student or parent of a student may submit a grievance to a state educational institution or private postsecondary educational institution for a violation of section 2 of this chapter.

(b) Each state educational institution and private postsecondary educational institution described in section 2 of this chapter shall establish and maintain a grievance procedure for the resolution of a grievance submitted under this section.

Sec. 4. (a) If a state educational institution or private postsecondary educational institution violates this chapter, a student who is:

(1) deprived of an athletic opportunity; or

(2) otherwise directly or indirectly injured;

as a result of the violation may bring a civil action against the state educational institution or private postsecondary educational institution.

(b) A state educational institution or private postsecondary educational institution may not retaliate or otherwise take any adverse action against a student for reporting a violation or bringing a civil action for a violation of this chapter.

Sec. 5. The court may award to a student who prevails in an action under section 4 of this chapter any of the following:

(1) Injunctive relief.

(2) The greater of:

(A) actual and consequential damages resulting from the violation; or

(B) liquidated damages of not more than one thousand dollars ($1,000).

(3) Costs and reasonable attorney's fees.

(4) Any other appropriate relief determined by the court.

Sec. 6. A state educational institution and a private postsecondary educational institution are not subject to liability in:

(1) a civil;

(2) an administrative;

(3) a disciplinary; or

(4) a criminal;

action for acting in good faith in compliance with this chapter.

SECTION 2. IC 34-30-2.1-292.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 292.5. IC 21-18-13.5-6 (Concerning state educational institutions and private postsecondary educational institutions that comply with requirements regarding athletic teams and sports).**

Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____