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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 158 Session of 2025

INTRODUCED BY GLEIM, WHITE, BOROWICZ, HAMM, GREINER, PICKETT, M. MACKENZIE, LEADBETER, JAMES, D'ORSIE, KAUFFMAN, M. BROWN, RAPP, BANTA, MENTZER, WARNER, GROVE, KUZMA, SMITH, ROWE, ZIMMERMAN, WALSH, REICHARD AND COOPER, JANUARY 17, 2025

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 17, 2025

AN ACT

Providing for sport activities in public institutions of higher education and public school entities to be expressly designated male, female or coed; and creating causes of action for harms suffered by designation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Fairness in Women's Sports Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Public institution of higher education." Any of the following:

(1) A community college operating under Article XIX-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

(2) A rural regional college established under Article XIX-G of the Public School Code of 1949.

(3) A university within the State System of Higher Education under Article XX-A of the Public School Code of 1949.

(4) A State-related institution as defined in section 2001-C of the Public School Code of 1949.

(5) The Thaddeus Stevens College of Technology.

(6) The Pennsylvania College of Technology.

"Public school entity." Any of the following operating under the Public School Code of 1949:

(1) A school district.

(2) An intermediate unit.

(3) An area career and technical school.

(4) A charter school, regional charter school or cyber charter school.

"Sex." The biological distinction between male and female based on reproductive biology and genetic makeup.

Section 3. Designation of athletic teams and sports.

(a) Duty.--An interscholastic, intercollegiate, intramural or club athletic team or sport that is sponsored by a public school entity, a public institution of higher education or a school or institution where students or teams compete against a public school entity or public institution of higher education shall be expressly designated as one of the following based on sex:

(1) Male, men or boys.

(2) Female, women or girls.

(3) Coed or mixed.

(b) Prohibition.--An athletic team or sport designated for

females, women or girls under subsection (a)(2) may not be open to students of the male sex.

(c) Limitations on restriction.--Nothing in this section shall be construed to restrict the eligibility of a student to participate in an interscholastic, intercollegiate, intramural or club athletic team or sport designed for the student's sex or designated coed or mixed.

Section 4. Protection for educational institutions.

A government entity, licensing or accrediting organization or an athletic association or organization may not entertain a complaint, open an investigation or take other adverse action against a school or institution of higher education for maintaining a separate interscholastic, intercollegiate, intramural or club athletic team or sport for students of the female sex.

Section 5. Cause of action.

(a) Deprivation of opportunity.--A student who is deprived of an athletic opportunity or who suffers a direct or indirect harm as a result of a known violation of section 3 may bring a cause of action for injunctive relief, damages, psychological, emotional and physical harm suffered, attorney fees and costs and any other relief available under law against the school or institution of higher education.

(b) Retaliation.--A student who is subject to retaliation or other adverse action by a school, institution of higher education or athletic association or organization as a result of reporting a violation of section 3 to an employee or representative of the school, institution or athletic association or organization or to any Federal or State agency with oversight of schools or institutions of higher education in

Pennsylvania may bring a cause of action for injunctive relief, damages, attorney fees and costs and any other relief available under law against the school, institution or athletic association or organization.

(c) School's cause of action.--A school or institution of higher education that suffers direct or indirect harm as a result of a violation of section 4 may bring a cause of action for injunctive relief, damages and other relief available under law against the government entity, licensing or accrediting organization or athletic association or organization.

(d) Limitation.--A person may not bring a civil action under this section later than two years after the day on which the harm underlying the cause of action occurs.

Section 6. Severability.

If a part of this act is found invalid, all valid parts that are severable from the invalid part shall remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 7. Effective date.

This act shall take effect in 60 days.