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HOUSE BILL 1894

By Ragan

AN ACT to amend Tennessee Code Annotated, Title 49, relative to participation in athletics.

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

SECTION 1. Tennessee Code Annotated, Section 49-6-310, is amended by adding the following as a new subsection (c) and redesignating the remaining subsections accordingly:

(c) If a public school or public charter school violates a policy adopted under subsection (b) by the school's governing board or body, and the violation deprives a student of an athletic opportunity or causes direct or indirect harm to the student, then the student or the student's parent or legal guardian, if the student is a minor, has a private cause of action for injunctive relief, damages, and any other relief available under law. The student or the student's parent or legal guardian is also entitled to the student's or the student's parent's or legal guardian's reasonable costs and attorney fees. A student or a student's parent or legal guardian has one (1) year from the date of a violation of a policy adopted under subsection (b) to file an action.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a)

(1) Intercollegiate or intramural athletic teams or sports that are designated for "females," "women," or "girls" and that are sponsored, sanctioned, or operated by a public institution of higher education or by a private institution of higher education whose students or teams compete against public institutions of higher education shall not be open to students of the male sex.

(2) Subdivision (a)(1) does not restrict the eligibility of a student to participate in an intercollegiate or intramural athletic team or sport designated for "males," "men," or "boys" or designated as "coed" or "mixed."

(b) For purposes of this section, an institution of higher education shall rely upon the sex listed on the student's original birth certificate, if the birth certificatewas issued at or near the time of birth. If a birth certificate provided by a student is not the student's original birth certificate issued at or near the time of birth or does not indicate the student's sex, then the student must provide other evidence indicating the student's sex.

(c) A government entity, a licensing or accrediting organization, or an athletic association or organization shall not:

(1) Accepta complaint, open an investigation, or otherwise take an adverse action against an institution of higher education for maintaining separate intercollegiate or intramural athletic teams or sports for students of the female sex; or

(2) Retaliate or take an adverse action against a student who reports a violation of this section to an employee or representative of the institution of higher education, athletic association, or organization, or to a state or federal agency with oversight of the institution of higher education.

(d) If an institution of higher education violates subdivision (a)(1), and the violation deprives a student of an athletic opportunity or causes direct or indirect harm to the student, then the student has a private cause of action for injunctive relief, damages, and any other relief available under law. The student is also entitled to the student's reasonable costs and attorney fees. A student has one (1) year from the date of a violation of subdivision (a)(1) to file an action.

(e) Each institution of higher education shall adopt and enforce a policy to ensure compliance with this section.

SECTION 3. This act takes effect July 1, 2022, the public welfare requiring it.