State of Wisconsin
2025 - 2026 LEGISLATURE

CORRECTED COPY

LRB-1553/2
FFK:cdc

2025 SENATE BILL 117

March 7, 2025 - Introduced by Senators HUTTON, FELZKOWSKI, FEYEN, JACQUE, KAPENGA, NASS, QUINN, TESTIN, TOMCZYK and WANGGAARD, cosponsored by Representatives DITTRICH, KNODL, ALLEN, ARMSTRONG, BEHNKE, BROOKS, CALLAHAN, DONOVAN, DUCHOW, GOEBEN, GREEN, GUNDRUM, GUSTAFSON, B. JACOBSON, KREIBICH, KRUG, MAXEY, MOSES, MURPHY, MURSAU, NEDWESKI, O'CONNOR, PENTERMAN, PIWOWARCZYK, SORTWELL, STEFFEN, TUSLER, VANDERMEER and WICHGERS. Referred to Committee on Government Operations, Labor and Economic Development.

AN ACT ***to amend*** 118.13 (1); ***to create*** 118.132 of the statutes; **relating to:**

designating athletic sports and teams operated or sponsored by public schools or private schools participating in a parental choice program based on the sex of the participants.

Analysis by the Legislative Reference Bureau

This bill requires each school board, independent charter school, and private school participating in a parental choice program (educational institution) that operates or sponsors an interscholastic, intramural, or club athletic team or sport to designate the athletic team or sport based on the sex of the participating pupils. The bill defines "sex" as the sex determined at birth by a physician and reflected on the birth certificate. The bill also requires an educational institution to prohibit a male pupil from 1) participating on an athletic team or in an athletic sport designated for females and 2) using a locker room designated for females. Finally, the bill requires the educational institution to notify pupils and parents if an educational institution intends to change a designation for an athletic team or sport.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 118.13 (1) of the statutes is amended to read:

118.13 **(1)** Except as provided in ~~s.~~ ss. 118.132 (2) (b) and 120.13 (37m), no person may be denied admission to any public school or be denied participation in, be denied the benefits of or be discriminated against in any curricular, extracurricular, pupil services, recreational or other program or activity because of the person's sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability.

SECTION 2. 118.132 of the statutes is created to read:

118.132 Interscholastic or intramural sports; designation as single sex. (1) In this section:

(a) "Educational institution" means a school board, operator of a charter school authorized under s. 118.40 (2r) or (2x), and governing body of a private school participating in a program under s. 118.60 or 119.23.

(b) "Sex" means the sex determined at birth by a physician and reflected on the birth certificate.

(2) An educational institution that operates or sponsors an interscholastic, intramural, or club athletic team or sport shall do all of the following:

(a) Expressly designate the athletic team or sport as one of the following based on the sex of the participating pupils:

1. Males. This designation may be referred to as "males," "men," or "boys."

2. Females. This designation may be referred to as "females," "women," or "girls."

(b) Prohibit pupils of the male sex from participating on an athletic team or in an athletic sport that is designated for females under par. (a).

(c) Prohibit pupils of the male sex from using locker rooms designated for females.

(d) If the educational institution intends to change the designation of an athletic team or sport under par. (a), provide written notification of the change to pupils who are eligible to participate in the athletic sport or on the athletic team under the previous and current designation and to the parents or guardians of those pupils.

(3) (a) A pupil of the female sex who is deprived of the opportunity to participate in an athletic sport or on an athletic team or who suffers any direct or indirect harm as the result of a violation of sub. (2) (b) or (c) may bring a cause of action against an educational institution for injunctive relief, damages, and any other relief available under law.

(b) A pupil of the female sex who is subject to retaliation or other adverse action by an educational institution or athletic association or organization, as a result of reporting a violation of sub. (2) (b) or (c) to an employee or representative of the educational institution or athletic association or organization or to any state or federal agency with oversight over the educational institution, may bring a cause of action against the educational institution or athletic association or organization for injunctive relief, damages, and any other relief available under law.

(c) An educational institution that suffers any direct or indirect harm by a governmental entity, licensing or accrediting organization, or athletic association or organization as a result of compliance with sub. (2) (b) or (c) may bring a cause of action against the governmental entity, licensing or accrediting organization, or athletic association or organization for injunctive relief, damages, and any other relief available under law.

(END)