

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 574
Apr 5, 2023
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH50034-NH-86C

Short Title: Fairness in Women's Sports Act.

(Public)

Sponsors: Representative Balkcom.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO PROTECT OPPORTUNITIES FOR WOMEN AND GIRLS IN ATHLETICS.
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-12(23) is amended by adding the following new sub-subdivisions to read:

"e. All teams participating in interscholastic or intramural athletic activities shall comply with the following:

1. Each team shall be expressly designated by the biological sex of the team participants as one of the following:

I. Males, men, or boys.

II. Females, women, or girls.

III. Coed or mixed.

2. Athletic teams or sports designated for females, women, or girls shall not be open to students of the male sex.

3. Athletic teams or sports designated for males, men, or boys shall not be open to students of the female sex unless there is no comparable female team for a particular sport and the sport is not a contact sport as defined by 34 C.F.R. § 106.41(b).

4. For purposes of this sub-subdivision, a student's sex shall be recognized based solely on the student's reproductive biology and genetics at birth.

f. A student who is deprived of an athletic opportunity or suffers or is likely to suffer from any direct or indirect harm as a result of a violation of sub-subdivision e. of this subdivision may assert that violation as a cause of action for remedies provided for in sub-subdivision i. of this subdivision.

g. A student who is subjected to retaliation or other adverse action by a public school unit, athletic association, or other organization as a result of reporting a violation of sub-subdivision e. of this subdivision to an employee or representative of the public school unit, athletic association, or to any local, State, or federal agency with oversight of the public school unit shall have a cause of action for remedies provided for in sub-subdivision i. of this subdivision.

h. Any public school unit or its representatives or employees who suffer any direct or indirect harm for complying with sub-subdivision e. of



* D R H 5 0 0 3 4 - N H - 8 6 C *

1 this subdivision shall have a cause of action for remedies provided for
2 in sub-subdivision i. of this subdivision.

3 i. Any person who brings a cause of action pursuant to sub-subdivisions
4 e. through h. of this subdivision, within two years of the date the harm
5 occurred, may obtain appropriate relief, including the following:

6 1. Injunctive relief, protective order, writ of mandamus or
7 prohibition, or declaratory relief to prevent any violation of
8 sub-subdivision e. of this subdivision.

9 2. Actual damages, including for psychological, emotional, or
10 physical harm, reasonable attorney fees, and costs.

11 j. The State Board of Education shall monitor middle and high schools
12 for compliance with sub-subdivision e. of this subdivision. If the
13 Board finds a school in violation, it shall report the identity of the
14 school to the Joint Legislative Education Oversight Committee."

15 **SECTION 2.** G.S. 115C-218.75 is amended by adding a new subsection to read:

16 "(k) Athletic Teams. – A charter school organizing athletic teams for middle or high school
17 students to participate in interscholastic or intramural athletic activities shall do so in accordance
18 with G.S. 115C-12(23)."

19 **SECTION 3.** G.S. 115C-238.66 is amended by adding a new subdivision to read:

20 "(19) Athletic teams. – A regional school organizing athletic teams for middle or
21 high school students to participate in interscholastic or intramural athletic
22 activities shall do so in accordance with G.S. 115C-12(23)."

23 **SECTION 4.** G.S. 116-239.8(b) is amended by adding a new subdivision to read:

24 "(22) Athletic teams. – A laboratory school organizing athletic teams for middle or
25 high school students to participate in interscholastic or intramural athletic
26 activities shall do so in accordance with G.S. 115C-12(23)."

27 **SECTION 5.** Article 39 of Chapter 115C of the General Statutes is amended by
28 adding a new section to read:

29 "**§ 115C-567. Athletic teams.**

30 (a) Any nonpublic school that is a member of an organization that administers
31 interscholastic athletic activities pursuant to Article 29E of this Chapter shall comply with
32 G.S. 115C-12(23).

33 (b) Athletic teams organized by nonpublic schools at the middle or high school level that
34 are not covered by subsection (a) of this section shall comply with G.S. 115C-12(23) if the team
35 is playing a team from any school required to follow G.S. 115C-12(23)."

36 **SECTION 6.** This act is effective when it becomes law and applies beginning with
37 the 2023-2024 school year.