

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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**SENATE BILL 631
Education/Higher Education Committee Substitute Adopted 4/18/23**

Short Title: Fairness in Women's Sports Act.

(Public)

Sponsors:

Referred to:

April 6, 2023

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 designated for females, women, or girls shall not be open to students of the male sex.
 3. 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, administering organization as defined in G.S. 115C-407.50, 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, administering organization, 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 this subdivision shall have a cause of action for remedies provided for in sub-subdivision i. of this subdivision.



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- i. Any person who brings a cause of action pursuant to sub-subdivisions f. through h. of this subdivision, within two years of the date the harm occurred, may obtain appropriate relief, including the following:
1. Injunctive relief, protective order, writ of mandamus or prohibition, or declaratory relief to prevent any violation of sub-subdivision e. of this subdivision.
 2. Actual damages, including for psychological, emotional, or physical harm, reasonable attorney fees, and costs.
- j. The State Board of Education shall monitor middle and high schools for compliance with sub-subdivision e. of this subdivision. If the Board finds a school in violation, it shall report the identity of the school to the Joint Legislative Education Oversight Committee."

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

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

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

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

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

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

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

"§ 115C-548.1. Athletic teams.

(a) Any private church school or school of religious charter that is a member of an organization that administers interscholastic athletic activities pursuant to Article 29E of this Chapter shall comply with G.S. 115C-12(23).

(b) Any athletic team organized by a private church school or school of religious charter at the middle or high school level that is not covered by subsection (a) of this section shall comply with G.S. 115C-12(23) if the team is playing a team from any school required to follow G.S. 115C-12(23)."

SECTION 5.(b) Article 39 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-556.1. Athletic teams.

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

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

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