2022 South Dakota Legislature

House Bill 1006

Introduced by: ***Representative*** *Milstead*

An Act to promote continued fairness in women's sports.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That a NEW SECTION be added to title 13:

Any interscholastic, intercollegiate, intramural, or club athletic team or sport that is sponsored or sanctioned by a school district or an institution of higher education under the control of the Board of Regents or the South Dakota Board of Technical Education must be designated as one of the following, based on the biological sex at birth of the team members:

(1) Females, women, or girls;

(2) Males, men, or boys; or

(3) Coeducational or mixed.

Any team or sport designated as being for females, women, or girls, is not open to students of the male sex.

For purposes of this section, the statement of a student's biological sex on the student's official birth certificate is deemed to be a correct statement of the student's biological sex at birth, if the certificate was filed at or near the time of the student's birth.

Section 2. That a NEW SECTION be added to title 13:

If a student is deprived of an athletic opportunity or if a student suffers direct or indirect harm, as a result of section 1 of this Act being violated, that student has a private cause of action for injunctive relief, damages, and any other relief available under law, against the school district or institution of higher education that caused the harm.

If a student is subjected to retaliation or other adverse action by a school district, institution of higher education, or an athletic association or organization, as a result of reporting a violation of section 1 of this Act to an employee or representative of a school, school district, institution of higher education, athletic association or organization, or to

a state or federal governmental entity having oversight authority, that student has a private cause of action for injunctive relief, damages, and any other relief available under law, against the school, school district, institution of higher education, or athletic association or organization.

If a school, school district, or institution of higher education suffers any direct or indirect harm, as a result of section 1 of this Act being violated, that school, school district, or institution of higher education has a private cause of action for injunctive relief, damages, and any other relief available under law, against the governmental entity, licensing or accrediting organization, or athletic association or organization.

A civil action under this section must be initiated within two years from the date the alleged harm occurred.

Any person prevailing on a claim brought under this section is entitled to monetary damages, including for psychological, emotional, and physical harm suffered, reasonable attorney's fees and costs, and any other appropriate relief.