

**Withdrawn
AMENDMENT NO 3 PROPOSED TO**

House Bill No. 1030

BY: Representatives Currie, Hobgood-Wilkes, Brown (20th), McLean, Calvert, Eubanks, Hale, Boyd, Scoggin, Anderson (122nd), McLeod, Hopkins, Carpenter, Rushing, Ladner, Robinson, Turner, Williamson, Arnold, Smith, Creekmore IV, Ford (73rd)

1 **AMEND** after line 373 by inserting the following:

2 " **SECTION 9.** Sections 9 through 13 of this act shall be known
3 and may be cited as the "Mississippi Fairness Act."

4 **SECTION 10.** **Designation of athletic teams.** (1)

5 Interscholastic or intramural athletic teams or sports that are
6 sponsored by a public primary or secondary school or any school
7 that is a member of the Mississippi High School Activities
8 Association or public institution of higher education or any
9 higher education institution that is a member of the NCAA, NAIA or



10 NJCCA shall be expressly designated as one of the following based
11 on biological sex:

- 12 (a) "Males," "men" or "boys";
- 13 (b) "Females," "women" or "girls"; or
- 14 (c) "Coed" or "mixed."

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

17 (3) If disputed, a student may establish his or her sex by
18 presenting a signed physician's statement which shall indicate the
19 student's sex based solely upon:

- 20 (a) The student's internal and external reproductive
21 anatomy;
- 22 (b) The student's normal endogenously produced levels
23 of testosterone; and
- 24 (c) An analysis of the student's genetic makeup.

25 **SECTION 11. Protection for educational institutions.** A
26 government entity, any licensing or accrediting organization, or
27 any athletic association or organization shall not entertain a
28 complaint, open an investigation, or take any other adverse action
29 against a primary or secondary school or institution of higher
30 education for maintaining separate interscholastic or intramural
31 athletic teams or sports for students of the female sex.

32 **SECTION 12. Cause of action.** (1) Any student who is
33 deprived of an athletic opportunity or suffers any direct or
34 indirect harm as a result of a violation of this act shall have a



35 private cause of action for injunctive relief, damages and any
36 other relief available under law against the primary or secondary
37 school or institution of higher education.

38 (2) Any student who is subject to retaliation or other
39 adverse action by a primary or secondary school, institution of
40 higher education, or athletic association or organization as a
41 result of reporting a violation of this act to an employee or
42 representative of the school, institution or athletic association
43 or organization, or to any state or federal agency with oversight
44 of primary or secondary schools or institutions of higher
45 education in the state shall have a private cause of action for
46 injunctive relief, damages and any other relief available under
47 law against the school, institution or athletic association or
48 organization.

49 (3) Any primary or secondary school or institution of higher
50 education that suffers any direct or indirect harm as a result of
51 a violation of this act shall have a private cause of action for
52 injunctive relief, damages and any other relief available under
53 law against the government entity, licensing or accrediting
54 organization, or athletic association or organization.

55 (4) All civil actions must be initiated within two (2) years
56 after the harm occurred. Persons or organizations who prevail on
57 a claim brought pursuant to this section shall be entitled to
58 monetary damages, including for any psychological, emotional and
59 physical harm suffered, reasonable attorneys' fees and costs, and



60 any other appropriate relief. The causes of action pursuant to
61 this section shall be in addition to any other civil or criminal
62 proceeding authorized by the laws of this state or by federal law.

63 **SECTION 13. Severability.** Any provision of this act held to
64 be invalid or unenforceable by its terms, or as applied to any
65 person or circumstance, shall be construed so as to give it the
66 maximum effect permitted by law, unless such holding shall be one
67 of utter invalidity or unenforceability, in which event such
68 provision shall be deemed severable herefrom and shall not affect
69 the remainder hereof or the application of such provision to other
70 persons not similarly situated or to other, dissimilar
71 circumstances."

72 **AMEND FURTHER** by renumbering the succeeding section
73 accordingly.

74 **AMEND** the title to conform.

