

By: Senator(s) Hill, Barrett, Branning, Carter, Caughman, Chism, DeLano, England, Fillingane, McCaughn, McDaniel, McLendon, McMahan, Parks, Seymour, Sojourner, Sparks, Suber, Tate, Thompson, Whaley, Wiggins

To: Universities and Colleges; Accountability, Efficiency, Transparency

SENATE BILL NO. 2536  
(As Passed the Senate)

1 AN ACT TO REQUIRE ANY PUBLIC SCHOOL, PUBLIC INSTITUTION OF  
2 HIGHER LEARNING OR INSTITUTION OF HIGHER LEARNING THAT IS A MEMBER  
3 OF THE NCAA, NAIA, MHSAA OR NJCCA TO DESIGNATE ITS ATHLETIC TEAMS  
4 OR SPORTS ACCORDING TO BIOLOGICAL SEX; TO PROVIDE PROTECTION FOR  
5 ANY SCHOOL OR INSTITUTION OF HIGHER EDUCATION THAT MAINTAINS  
6 SEPARATE ATHLETIC TEAMS OR SPORTS FOR STUDENTS OF THE FEMALE SEX;  
7 TO CREATE PRIVATE CAUSES OF ACTION; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1. Designation of athletic teams.** (1)

10 Interscholastic or intramural athletic teams or sports that are  
11 sponsored by a public primary or secondary school or any school  
12 that is a member of the Mississippi High School Activities  
13 Association or public institution of higher education or any  
14 higher education institution that is a member of the NCAA, NAIA or  
15 NJCCA shall be expressly designated as one of the following based  
16 on biological sex:

- 17 (a) "Males," "men" or "boys";
- 18 (b) "Females," "women" or "girls"; or
- 19 (c) "Coed" or "mixed."



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

22 **SECTION 2. Protection for educational institutions.** A  
23 government entity, any licensing or accrediting organization, or  
24 any athletic association or organization shall not entertain a  
25 complaint, open an investigation, or take any other adverse action  
26 against a primary or secondary school or institution of higher  
27 education for maintaining separate interscholastic or intramural  
28 athletic teams or sports for students of the female sex.

29 **SECTION 3. Cause of action.** Any student who is deprived of  
30 an athletic opportunity or suffers any direct or indirect harm as  
31 a result of a violation of this act shall have a private cause of  
32 action.

33 **SECTION 4. Severability.** Any provision of this act held to  
34 be invalid or unenforceable by its terms, or as applied to any  
35 person or circumstance, shall be construed so as to give it the  
36 maximum effect permitted by law, unless such holding shall be one  
37 of utter invalidity or unenforceability, in which event such  
38 provision shall be deemed severable herefrom and shall not affect  
39 the remainder hereof or the application of such provision to other  
40 persons not similarly situated or to other, dissimilar  
41 circumstances.

42 **SECTION 5.** This act shall take effect and be in force from  
43 and after July 1, 2021.

