

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.

