

SENATE BILL NO. 140

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY SENATORS HUGHES, Reinbold, Shower

Introduced: 5/12/21

Referred: Education

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to school athletics, recreation, athletic teams, and sports."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 14.18.040 is amended by adding a new subsection to read:

4 (d) In this section, "sex" means biological sex.

5 * **Sec. 2.** AS 14.18 is amended by adding new sections to read:

6 **Article 2. Designation of Athletic Teams and Sports.**

7 **Sec. 14.18.150. Athletic team and sport designation.** (a) A public school, or
8 a private school whose students or teams compete against a public school, must
9 designate each school-sponsored athletic team or sport a

10 (1) male, men, or boys team or sport;

11 (2) female, women, or girls team or sport; or

12 (3) coeducational or mixed team or sport.

13 (b) A student who participates in an athletic team or sport designated female,
14 women, or girls must be female, based on the participant's biological sex.

15 **Sec. 14.18.160. Compliance protected.** A governmental entity, licensing or

1 accrediting organization, athletic association, or school district may not consider a
2 complaint, open an investigation, or take adverse action against a school or school
3 district for complying with AS 14.18.150.

4 **Sec. 14.18.170. Liability.** (a) A student who is deprived of an athletic
5 opportunity or suffers direct or indirect harm resulting from a violation of
6 AS 14.18.150 may bring a private cause of action for injunctive relief, damages, and
7 any other relief available under law against the violating school.

8 (b) A student subjected to retaliation or other adverse action as a result of
9 reporting a violation of AS 14.18.150 to an employee or representative of a school,
10 school district, or athletic association or organization, or to a state or federal
11 government entity with oversight authority, may bring a private cause of action against
12 the retaliating entity for injunctive relief, damages, and any other relief available under
13 law.

14 (c) If a school or school district suffers direct or indirect harm as a result of a
15 violation of AS 14.18.150, the school or school district may bring a private cause of
16 action against the violating entity for injunctive relief, damages, and any other relief
17 available under law.

18 (d) An action brought under this section must be commenced within two years
19 of the event giving rise to the complaint.

20 **Sec. 14.18.180. Definitions.** In AS 14.18.150 - 14.18.180,

21 (1) "school" means an elementary, junior high, secondary, or
22 postsecondary school;

23 (2) "school district" means a borough school district, a city school
24 district, a regional educational attendance area, a state boarding school, and the state
25 centralized correspondence study program.