

AMENDMENT #7

OFFERED IN THE SENATE  
TO: CSSB 52(FIN)

BY SENATOR HUGHES

1 Page 1, line 1, following "**education**";

2 Insert "**relating to school athletics, recreation, athletic teams, and sports**;"

3

4 Page 1, following line 7:

5 Insert a new bill section to read:

6 **\*\* Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
7 to read:

8 LEGISLATIVE FINDINGS AND INTENT. (a) The legislature finds that

9 (1) maintaining fairness in athletic opportunities for women is an important  
10 state interest;

11 (2) requiring the designation of separate sex-specific athletic teams or sports is  
12 necessary to maintain fairness in athletic opportunities for women;

13 (3) significant biological and physiological differences between males and  
14 females, including greater strength, speed, and endurance capabilities among males on  
15 average, provide a competitive advantage to male athletes in sports; and

16 (4) having separate sex-specific teams furthers efforts to promote sex equality  
17 and that discrimination against women and girls in sports is counter to that effort.

18 (b) It is the intent of the legislature to preserve an even playing field in school athletic  
19 programs, to maintain opportunities for female athletes to demonstrate their strength, skills,  
20 and athletic abilities, and to provide female athletes with opportunities to obtain recognition  
21 and accolades, college scholarships, and the numerous other long-term benefits that result  
22 from participating and competing in athletic endeavors."  
23

1 Page 1, line 8:

2 Delete "**Section 1**"

3 Insert "**Sec. 2**"

4

5 Renumber the following bill sections accordingly.

6

7 Page 10, following line 22:

8 Insert a new bill section to read:

9 **"\* Sec. 8.** AS 14.18 is amended by adding new sections to read:

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

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

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

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

16 (3) coeducational or mixed team or sport.

17 (b) A student who participates in an athletic team or sport designated female,  
18 women, or girls must be female, based on the participant's biological sex as either  
19 female or male, as designated at the participant's birth. The biological sex listed on a  
20 participant's birth certificate may be relied on to establish the participant's biological  
21 sex designated at the participant's birth if the sex designated on the birth certificate  
22 was designated at or near the time of the participant's birth.

23 **Sec. 14.18.160. Compliance protected.** (a) A governmental entity, licensing  
24 or accrediting organization, athletic association, or school district may not take  
25 adverse action against a school or school district for complying with AS 14.18.150.

26 (b) A school or a school district may decline to consider a complaint brought  
27 against the school or school district for complying with AS 14.18.150.

28 **Sec. 14.18.170. Liability.** (a) A student who is deprived of an athletic  
29 opportunity or suffers direct or indirect harm resulting from a violation of  
30 AS 14.18.150 may bring a private cause of action against the violating school.

31 (b) A student subjected to retaliation or other adverse action as a result of

1 reporting a violation of AS 14.18.150 to an employee or representative of a school,  
2 school district, or athletic association or organization, or to a state or federal  
3 government entity with oversight authority, may bring a private cause of action against  
4 the retaliating entity.

5 (c) If a school or school district suffers direct or indirect harm as a result of a  
6 violation of AS 14.18.150, the school or school district may bring a private cause of  
7 action against the violating entity.

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

10 **Sec. 14.18.180. Access to courts; relationship to rights under federal law.**

11 (a) Nothing in AS 14.18.150 - 14.18.190 abrogates, restricts, or otherwise limits

12 (1) the access of any person to a state or federal court; or

13 (2) a person's right to bring in state or federal court a complaint or  
14 cause of action arising out of AS 14.18.150 - 14.18.190.

15 (b) AS 14.18.150 - 14.18.190 may not be construed to modify a person's rights  
16 under 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act), 29 U.S.C.  
17 794, or 42 U.S.C. 12101 - 12213.

18 **Sec. 14.18.190. Definitions.** In AS 14.18.150 - 14.18.190,

19 (1) "school" means an elementary, junior high, or secondary school;

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

24 Renumber the following bill sections accordingly.

25

26 Page 11, line 20:

27 Delete "Section 4"

28 Insert "Section 5"

29

30 Page 11, line 21:

31 Delete "Section 3"

1           Insert "Section 4"

2

3   Page 11, line 23:

4           Delete "Sections 4 - 6 and 8"

5           Insert "Sections 5 - 7 and 10"

6

7   Page 11, following line 24:

8           Insert a new bill section to read:

9           "\* **Sec. 13.** Sections 1 and 8 of this Act take effect July 1, 2023."

10

11   Renumber the following bill sections accordingly.

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13   Page 11, line 25:

14           Delete "sec. 1"

15           Insert "sec. 2"

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17   Page 11, line 26:

18           Delete "sec. 1 of this Act, and secs. 2 and 7"

19           Insert "sec. 2 of this Act, and secs. 3 and 9"