

HOUSE BILL NO. 40

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES ALLARD, Underwood, Vance, Costello, McCabe

Introduced: 1/22/25

Referred: Judiciary, 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.** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

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

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

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

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

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

15 (b) It is the intent of the legislature to preserve an even playing field in school athletic

1 programs, to maintain opportunities for female athletes to demonstrate their strength, skills,
 2 and athletic abilities, and to provide female athletes with opportunities to obtain recognition
 3 and accolades, college scholarships, and the numerous other long-term benefits that result
 4 from participating and competing in athletic endeavors.

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, a
 8 postsecondary institution, or a private school whose students or teams compete against
 9 a public school, must 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 sex. A school may rely on
 15 the sex listed on a participant's original birth certificate issued at or near the time of
 16 birth to establish a participant's sex. In this subsection, "sex" means the biological state
 17 of being male or female, based on an individual's nonambiguous sex organs,
 18 chromosomes, and endogenous hormone profile at birth.

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

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

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

27 (b) A student subjected to retaliation or other adverse action as a result of
 28 reporting a violation of AS 14.18.150 to an employee or representative of a school,
 29 school district, or athletic association or organization, or to a state or federal
 30 government entity with oversight authority, may bring a private cause of action against
 31 the retaliating entity.

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

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

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

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

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

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

11 (b) AS 14.18.150 - 14.18.190 may not be construed to modify a person's rights
12 under 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act), 29 U.S.C.
13 794, or 42 U.S.C. 12101 - 12213.

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

15 (1) "school" means an elementary, junior high, or secondary school or
16 a postsecondary institution;

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