

House Bill 4143

Sponsored by Representative BOICE, Senator SMITH DB, Representatives OSBORNE, HIEB; Representatives BREESE-IVERSON, LEVY B, MCINTIRE, OWENS, RESCHKE, Senators LINTHICUM, WEBER (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act tells some entities to keep males and females apart for purposes of playing sports, spending time in prison or jail and using some bathrooms. (Flesch Readability Score: 60.0).

Requires athletic organizations, institutions of higher education and school districts to designate athletic competitions according to biological sex. Subject to a limited exception for individuals whose biological sex is female, prohibits individuals of one biological sex from competing in athletic competitions designated for the opposite biological sex.

Provides that each Department of Corrections institution and local correctional facility, or area within an institution or facility, must be designated for incarcerating adults in custody of the same biological sex. Prohibits incarcerating adults in custody in an institution, facility or area that is designated for incarcerating adults in custody of the opposite sex.

Directs each public body to designate the biological sex of individuals who may use a multiple occupancy restroom under the custody or control of the public body. Prohibits individuals of one biological sex from using a multiple occupancy restroom that is designated for the opposite biological sex.

A BILL FOR AN ACT

1
2 Relating to biological sex.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. As used in sections 1 to 4 of this 2024 Act:**

5 (1) **“Adult in custody” has the meaning given that term in ORS 423.076.**

6 (2) **“Athletic competition” means any athletic display between teams or individuals, such**
7 **as a contest, exhibition, performance or sport.**

8 (3) **“Athletic organization” means any private, interscholastic or intercollegiate organ-**
9 **ization, association or entity that administers or operates one or more sports teams, leagues,**
10 **programs, competitions, contests or other sports activity.**

11 (4) **“Biological sex” means an individual’s sex, being male or female, as determined at**
12 **birth according to reproductive organs and chromosomal makeup.**

13 (5) **“Department of Corrections institution” has the meaning giving that term in ORS**
14 **421.005.**

15 (6) **“Institution of higher education” has the meaning given that term in ORS 348.582.**

16 (7) **“Local correctional facility” has the meaning given that term in ORS 169.005.**

17 (8) **“Multiple occupancy restroom” means an area designed or designated to be used by**
18 **more than one individual at a time, in which individuals may be in various stages of undress**
19 **in the presence of other individuals, including, but not limited to, a restroom, locker room,**
20 **changing room or shower room.**

21 (9) **“Public body” has the meaning given that term in ORS 174.109.**

22 (10) **“School district” has the meaning given that term in ORS 330.005.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **SECTION 2.** (1) Each athletic organization, institution of higher education and school
2 district shall designate in writing the biological sex of individuals who may participate in an
3 athletic competition as follows:

- 4 (a) “Males,” “Men” or “Boys”;
- 5 (b) “Females,” “Women” or “Girls”; or
- 6 (c) “Male and Female,” “Men and Women” or “Boys and Girls.”

7 (2) Except as provided in subsection (3) of this section, an athletic organization, institu-
8 tion of higher education or school district may not allow an individual to compete in an
9 athletic competition sponsored or authorized by the athletic organization, institution of
10 higher education or school district that is designated for the biological sex opposite to the
11 biological sex of the individual.

12 (3) An athletic organization, institution of higher education or school district may allow
13 an individual whose biological sex is female to compete in an athletic competition that is
14 designated for individuals whose biological sex is male if the athletic organization, institution
15 of higher education or school district does not offer a corresponding athletic competition
16 that is designated for individuals whose biological sex is female.

17 **SECTION 3.** (1) Each Department of Corrections institution and local correctional facil-
18 ity, or area of an institution or facility, as the case may be, must be designated for adults
19 in custody of the same biological sex.

20 (2) An adult in custody may not be held in the physical custody of a Department of Cor-
21 rections institution or local correctional facility, or an area within an institution or facility,
22 that is designated for incarcerating adults in custody of the opposite biological sex.

23 **SECTION 4.** (1) All multiple occupancy restrooms under the custody or control of a
24 public body must be for the exclusive use of individuals who are of the same biological sex.

25 (2) Each public body shall designate by signage the biological sex of individuals who may
26 use a multiple occupancy restroom as follows:

- 27 (a) “Males,” “Men” or “Boys”; or
- 28 (b) “Females,” “Women” or “Girls.”

29 (3) An individual may not use a multiple occupancy restroom under this section that is
30 designated for individuals of the opposite biological sex.

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