

House Bill 2037

Sponsored by Representatives WRIGHT, MCINTIRE, LEVY B, BOICE, OWENS, RESCHKE; Representatives OSBORNE, YUNKER, Senator THATCHER (Presession 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 certain entities to designate sports by sex. The Act forbids males from playing in female sports. (Flesch Readability Score: 72.35).

Requires each athletic association, conference or organization with authority over intercollegiate sports, post-secondary institution of education and school district to designate athletic competitions and extracurricular sports according to biological sex. Prohibits biological males from participating in athletic competitions or extracurricular sports designated for biological females.

Requires academic entities to designate bathrooms and locker rooms for exclusive use by either persons of the male biological sex or persons of the female biological sex. Except as provided under written policies for coaches, trainers and other authorized persons, prohibits persons of the male biological sex from entering or using bathrooms or locker rooms designated for use by, or in use by, persons of the female biological sex and prohibits persons of the female biological sex from entering or using bathrooms or locker rooms designated for use by, or in use by, persons of the male biological sex.

Provides causes of action for students, post-secondary institutions of education and school districts.

A BILL FOR AN ACT

Relating to participation in athletics according to biological sex.

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

SECTION 1. (1) For purposes of this section:

(a) "Academic entity" means:

(A) A post-secondary institution of education, as that term is defined in ORS 702.200; or

(B) A school district.

(b) "Athletic entity" means:

(A) An athletic association, conference or organization with authority over intercollegiate sports;

(B) A post-secondary institution of education, as that term is defined in ORS 702.200; or

(C) A school district.

(c) "Biological sex" means male or female, as appropriate, and as stated on:

(A) The student's birth certificate; or

(B) If the student's birth certificate is unavailable, any government-issued record that states the student's biological sex.

(2)(a) For purposes of subsection (1)(c) of this section, a statement of the student's biological sex on the student's birth certificate or other government-issued record must have been:

(A) Recorded at or near the time of the student's birth; and

(B) If modified, modified only to correct a scrivener or clerical error.

(b) If a student's biological sex is under dispute, the student shall establish the student's

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 **biological sex by presenting a signed statement of a physician that indicates the student's**
 2 **biological sex based solely on:**

- 3 (A) **The student's internal and external reproductive anatomy;**
- 4 (B) **The student's normal endogenously produced levels of testosterone; and**
- 5 (C) **An analysis of the student's genetic makeup.**

6 (3) **Each athletic entity shall require that every athletic competition and extracurricular**
 7 **sport be expressly designated by the biological sex of the students who participate in the**
 8 **competition or sport as follows:**

- 9 (a) **"Males," "Men" or "Boys";**
- 10 (b) **"Females," "Women" or "Girls"; or**
- 11 (c) **"Coed."**

12 (4) **Students of the biologically male sex may not participate in any athletic competition**
 13 **or extracurricular sport that is designated as "Females," "Women" or "Girls" under sub-**
 14 **section (3) of this section.**

15 (5) **Subsection (4) of this section does not restrict or prohibit any student from partic-**
 16 **ipating in any athletic competition or extracurricular sport that is designated as "Males,"**
 17 **"Men," "Boys" or "Coed."**

18 (6)(a) **A school district shall designate each bathroom and locker room within the school**
 19 **district's facilities as available for exclusive use by persons of either the male biological sex**
 20 **or the female biological sex.**

21 (b) **Except as provided in paragraph (c) of this subsection, a school district may not allow:**

22 (A) **A person of the male biological sex to enter or use a bathroom or locker room des-**
 23 **ignated for use by, or in use by, persons of the female biological sex; or**

24 (B) **A person of the female biological sex to enter or use a bathroom or locker room**
 25 **designated for use by, or in use by, persons of the male biological sex.**

26 (c) **A school district by written policy may specify circumstances under which a coach,**
 27 **trainer or other authorized person may enter a locker room designated for use by, or in use**
 28 **by, persons who are not of the same biological sex as the coach, trainer or other authorized**
 29 **person. The school district may allow the coach, trainer or other authorized person to enter**
 30 **the locker room only in accordance with the school district's written policy.**

31 (7) **A public body, as defined in ORS 174.109, any licensing or accrediting organization or**
 32 **any voluntary organization that administers intercollegiate or interscholastic activities or**
 33 **that facilitates the scheduling and programming of intercollegiate or interscholastic activ-**
 34 **ities may not entertain a complaint, open an investigation or take any other adverse action**
 35 **against an academic entity for maintaining separate athletic competitions or extracurricular**
 36 **sports in accordance with subsection (4) of this section.**

37 (8) **Any student who is deprived of an opportunity or suffers a direct or indirect harm**
 38 **as a result of an academic entity knowingly violating subsection (4) of this section may bring**
 39 **a claim against the academic entity for injunctive relief, damages and any other relief**
 40 **available under law.**

41 (9) **Any student who is subject to retaliation or any other adverse action by an athletic**
 42 **entity as a result of reporting a violation of subsection (4) of this section to an employee of**
 43 **the athletic entity, or to any public body with oversight of the athletic entity in this state,**
 44 **may bring a claim against the athletic entity for injunctive relief, damages and any other**
 45 **relief available under law.**

1 **(10) Any academic entity that suffers a direct or indirect harm as a result of a violation**
2 **of subsection (7) of this section may bring a claim against the public body, licensing or ac-**
3 **crediting organization or voluntary organization for injunctive relief, damages and any other**
4 **relief available under law.**

5 **(11) Any civil action brought under this section must be initiated not more than two**
6 **years after the alleged direct or indirect harm or the retaliation or other adverse action**
7 **occurred. A student, post-secondary institution of education or school district that prevails**
8 **on a claim brought under this section is entitled to monetary damages, including damages**
9 **for any psychological, emotional or physical harm suffered, attorney fees and costs and any**
10 **other appropriate relief.**

11 **SECTION 2.** **This 2025 Act first applies to the 2027-2028 academic year.**

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