

House Bill 3740

Sponsored by Representatives DRAZAN, LEVY B, DIEHL, OWENS, RESCHKE, YUNKER; Representatives HELFRICH, JAVADI, MANNIX, SCHARF, Senators THATCHER, WEBER

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 school districts and certain private schools to designate sports by gender. The Act forbids males from playing in female sports. (Flesch Readability Score: 77.4).

Requires school districts and certain private schools 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.

Provides causes of action for students, school districts and private schools.

A BILL FOR AN ACT

1
2 Relating to participation in athletic competitions according to biological sex.

3 Whereas there are only two biological sexes, either female or male; and

4 Whereas a person's sex is determined at fertilization and revealed at birth or, increasingly, in
5 utero; and

6 Whereas biological differences between males and females are determined genetically during
7 embryonic development; and

8 Whereas secondary sex characteristics that develop during puberty generate anatomical diver-
9 gence beyond the reproductive system, leading to adult body types that are measurably different
10 between sexes; and

11 Whereas there are inherent differences between men and women and these differences remain
12 cause for celebration but not for denigration of the members of either sex or for artificial con-
13 straints on an individual's opportunity; and

14 Whereas in studies of large cohorts of children from six years old, boys typically scored higher
15 than girls on cardiovascular endurance, muscular strength, muscular endurance and speed and
16 agility but lower on flexibility; and

17 Whereas physiological differences between males and females relevant to sports performance
18 include a larger body size with more skeletal muscle mass, a lower percentage of body fat and
19 greater maximal delivery of anaerobic and aerobic energy; and

20 Whereas men have higher natural levels of testosterone, which affects traits such as hemoglobin
21 levels, body fat content, the storage and use of carbohydrates and the development of type 2 muscle
22 fibers, all of which result in men being able to generate higher speed and power during physical
23 activity; and

24 Whereas there is a sports performance gap between males and females; and

25 Whereas while classifications based on sex are generally disfavored, the United States Supreme
26 Court has recognized that sex classifications may be used to advance full development of the talent
27 and capacities of our nation's people; and

28 Whereas sex classifications in the context of sports athletics allow for the full development of

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 the talent and capacities of our nation’s people; and

2 Whereas courts have recognized that the inherent, physiological differences between males and
3 females result in different athletic capabilities; and

4 Whereas the benefits that natural testosterone provides to male athletes are not diminished
5 through the use of testosterone suppression; and

6 Whereas having separate sex-specific teams furthers efforts to promote sex equality; and

7 Whereas maintaining separate sex-specific teams promotes the safety of female athletes; now,
8 therefore,

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

10 **SECTION 1. (1) Each school district and any private school having a sports team that**
11 **competes against a public school sports team shall require that every athletic competition**
12 **or extracurricular sport is expressly designated by the biological sex of the students who**
13 **participate in the competition or sport as follows:**

14 (a) “Males,” “Men” or “Boys”;

15 (b) “Females,” “Women” or “Girls”; or

16 (c) “Coed.”

17 (2) Students of the biologically male sex may not participate in any athletic competition
18 or extracurricular sport that is designated as “Females,” “Women” or “Girls” under sub-
19 section (1) of this section.

20 (3) Nothing in subsection (2) of this section restricts or prohibits any student from par-
21 ticipating in any athletic competition or extracurricular sport that is designated as
22 “Males,” “Men,” “Boys” or “Coed.”

23 (4) A public body, as defined in ORS 174.109, any licensing or accrediting organization or
24 any voluntary organization that administers interscholastic activities or that facilitates the
25 scheduling and programming of interscholastic activities may not entertain a complaint,
26 open an investigation or take any other adverse action against a school district or private
27 school for maintaining separate athletic competitions or extracurricular sports in accordance
28 with subsection (2) of this section.

29 (5) A student who is deprived of an opportunity or suffers a direct or indirect harm as
30 a result of a school district or private school knowingly violating this section may bring a
31 claim against the school district or private school for injunctive relief, damages and any
32 other relief available under law.

33 (6) A student who is subject to retaliation or any other adverse action by a school dis-
34 trict, private school or athletic association or organization as a result of reporting a violation
35 of this section to an employee of the school district, the private school or the athletic asso-
36 ciation or organization, or to any public body with oversight of school districts in this state,
37 may bring a claim against the school district, the private school or athletic association or
38 organization for injunctive relief, damages and any other relief available under law.

39 (7) A school district or private school that suffers a direct or indirect harm as a result
40 of a violation of this section may bring a claim against the public body, licensing or accred-
41 iting organization or athletic association or organization for injunctive relief, damages and
42 any other relief available under law.

43 (8) A civil action brought under this section must be initiated not more than two years
44 after the alleged direct or indirect harm or the retaliation or other adverse action
45 occurred. A student, school district or private school that prevails on a claim brought under

1 **this section is entitled to monetary damages, including damages for any psychological, emo-**
2 **tional or physical harm suffered, attorney fees and costs and any other appropriate relief.**

3 **SECTION 2. Section 1 of this 2025 Act first applies to the 2026-2027 school year.**

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