

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 631
Education/Higher Education Committee Substitute Adopted 4/18/23

Short Title: Fairness in Women's Sports Act.

(Public)

Sponsors:

Referred to:

April 6, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT OPPORTUNITIES FOR WOMEN AND GIRLS IN ATHLETICS.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 115C-12(23) is amended by adding the following new
5 sub-subdivisions to read:

6 "e. All teams participating in interscholastic or intramural athletic
7 activities shall comply with the following:

8 1. Each team shall be expressly designated by the biological sex
9 of the team participants as one of the following:

10 I. Males, men, or boys.

11 II. Females, women, or girls.

12 III. Coed or mixed.

13 2. Athletic teams designated for females, women, or girls shall
14 not be open to students of the male sex.

15 3. For purposes of this sub-subdivision, a student's sex shall be
16 recognized based solely on the student's reproductive biology
17 and genetics at birth.

18 f. A student who is deprived of an athletic opportunity or suffers or is
19 likely to suffer from any direct or indirect harm as a result of a
20 violation of sub-subdivision e. of this subdivision may assert that
21 violation as a cause of action for remedies provided for in
22 sub-subdivision i. of this subdivision.

23 g. A student who is subjected to retaliation or other adverse action by a
24 public school unit, administering organization as defined in
25 G.S. 115C-407.50, or other organization as a result of reporting a
26 violation of sub-subdivision e. of this subdivision to an employee or
27 representative of the public school unit, administering organization, or
28 to any local, State, or federal agency with oversight of the public
29 school unit shall have a cause of action for remedies provided for in
30 sub-subdivision i. of this subdivision.

31 h. Any public school unit or its representatives or employees who suffer
32 any direct or indirect harm for complying with sub-subdivision e. of
33 this subdivision shall have a cause of action for remedies provided for
34 in sub-subdivision i. of this subdivision.



- 1 i. Any person who brings a cause of action pursuant to sub-subdivisions
2 f. through h. of this subdivision, within two years of the date the harm
3 occurred, may obtain appropriate relief, including the following:
4 1. Injunctive relief, protective order, writ of mandamus or
5 prohibition, or declaratory relief to prevent any violation of
6 sub-subdivision e. of this subdivision.
7 2. Actual damages, including for psychological, emotional, or
8 physical harm, reasonable attorney fees, and costs.
9 j. The State Board of Education shall monitor middle and high schools
10 for compliance with sub-subdivision e. of this subdivision. If the
11 Board finds a school in violation, it shall report the identity of the
12 school to the Joint Legislative Education Oversight Committee."

13 **SECTION 2.** G.S. 115C-218.75 is amended by adding a new subsection to read:

14 "(k) Athletic Teams. – A charter school organizing athletic teams for middle or high school
15 students to participate in interscholastic or intramural athletic activities shall do so in accordance
16 with G.S. 115C-12(23)."

17 **SECTION 3.** G.S. 115C-238.66 is amended by adding a new subdivision to read:

18 "(19) Athletic teams. – A regional school organizing athletic teams for middle or
19 high school students to participate in interscholastic or intramural athletic
20 activities shall do so in accordance with G.S. 115C-12(23)."

21 **SECTION 4.** G.S. 116-239.8(b) is amended by adding a new subdivision to read:

22 "(22) Athletic teams. – A laboratory school organizing athletic teams for middle or
23 high school students to participate in interscholastic or intramural athletic
24 activities shall do so in accordance with G.S. 115C-12(23)."

25 **SECTION 5.(a)** Article 39 of Chapter 115C of the General Statutes is amended by
26 adding a new section to read:

27 **"§ 115C-548.1. Athletic teams.**

28 (a) Any private church school or school of religious charter that is a member of an
29 organization that administers interscholastic athletic activities pursuant to Article 29E of this
30 Chapter shall comply with G.S. 115C-12(23).

31 (b) Any athletic team organized by a private church school or school of religious charter
32 at the middle or high school level that is not covered by subsection (a) of this section shall comply
33 with G.S. 115C-12(23) if the team is playing a team from any school required to follow
34 G.S. 115C-12(23)."

35 **SECTION 5.(b)** Article 39 of Chapter 115C of the General Statutes is amended by
36 adding a new section to read:

37 **"§ 115C-556.1. Athletic teams.**

38 (a) Any qualified nonpublic school that is a member of an organization that administers
39 interscholastic athletic activities pursuant to Article 29E of this Chapter shall comply with
40 G.S. 115C-12(23).

41 (b) Any athletic team organized by a qualified nonpublic school at the middle or high
42 school level that is not covered by subsection (a) of this section shall comply with
43 G.S. 115C-12(23) if the team is playing a team from any school required to follow
44 G.S. 115C-12(23)."

45 **SECTION 6.** This act is effective when it becomes law and applies beginning with
46 the 2023-2024 school year.