

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1298

Introduced by

Representatives B. Koppelman, Meier, Paulson, Schauer, Skroch, Steiner, Vetter

Senators Clemens, Kannianen, Myrdal

1 A BILL ~~for an Act to create and enact a new section to chapter 14-02.4 of the North Dakota~~
2 ~~Century Code, relating to participation in athletic events exclusively for males or females.~~for an
3 Act to provide for a legislative management study regarding student athletic events that are
4 exclusively for males or exclusively for females and the impact of the policy that prohibits
5 participation in those events by individuals who are the opposite sex.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 ~~SECTION 1. A new section to chapter 14-02.4 of the North Dakota Century Code is created~~
8 ~~and enacted as follows:~~

9 ~~**Athletic events exclusively for males or exclusively for females.**~~

10 ~~1. The state, a political subdivision of the state, or an entity that receives public funding~~
11 ~~from the state or from a political subdivision of the state may not:~~

12 ~~a. Allow an individual of the opposite sex who is under eighteen years of age or who~~
13 ~~is enrolled in high school to participate on an athletic team sponsored or funded~~
14 ~~by the state, political subdivision, or entity and which is exclusively for females or~~
15 ~~exclusively for males.~~

16 ~~b. Sponsor an athletic event exclusively for males or exclusively for females which~~
17 ~~allows participation by an individual of the opposite sex who is under eighteen~~
18 ~~years of age or who is enrolled in high school.~~

19 ~~c. Use or permit to be used an athletic facility, stadium, field, structure, or other~~
20 ~~property owned by or under the control of the state, political subdivision, or entity~~
21 ~~for an athletic event conducted exclusively for males or exclusively for females in~~
22 ~~which an individual of the opposite sex who is under eighteen years of age or~~
23 ~~who is enrolled in high school is allowed to participate.~~

- 1 ~~2. For purposes of this section, sex means an individual's biological sex and is based~~
2 ~~solely on an individual's reproductive biology and genetics at birth.~~
3 ~~3. This section may not be construed to prohibit a female from participating in a~~
4 ~~school-sponsored athletic team or event that is exclusively for males.~~

5 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - STUDENT ATHLETIC EVENTS.**

6 During the 2021-22 interim, the legislative management shall consider studying student athletic
7 events that are exclusively for males or exclusively for females and the impact of a policy that
8 prohibits participation in those events by individuals who are of the opposite sex. The study
9 must consider:

- 10 1. The economic impact of the policy on local, regional, and state tourism if youth athletic
11 programs were not held in North Dakota;
12 2. The impact of the policy on student athletes' inability to participate in regional and
13 national qualifying events for the students' respective athletic events;
14 3. The potential litigation impact to student athletes, school districts, activities directors,
15 coaches, and the North Dakota high school activities association; and
16 4. The impact of the policy on student behavioral health and any necessary resources to
17 address such impacts.

18 The legislative management shall report its findings and recommendations, together with any
19 legislation required to implement the recommendations, to the sixty-eighth legislative assembly.