

Stricken language would be deleted from and underlined language would be added to present law.
Act 953 of the Regular Session

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S4/1/21

A Bill

SENATE BILL 450

5 By: Senators Irvin, Beckham, Bledsoe, Caldwell, A. Clark, B. Davis, J. Dismang, J. English, Flippo, T.
6 Garner, Gilmore, K. Hammer, Hester, Hill, B. Johnson, M. Johnson, Rapert, G. Stubblefield, D. Wallace
7 By: Representatives Vaught, Barker, Bentley, S. Berry, Brown, Cavanaugh, Christiansen, Cloud,
8 Coleman, C. Cooper, Cozart, Crawford, Dalby, M. Davis, C. Fite, Furman, Gonzales, M. Gray, Haak,
9 Jett, Ladyman, Lundstrum, J. Mayberry, McGrew, McKenzie, Milligan, Payton, Penzo, Pilkington, Ray,
10 Richmond, Rye, B. Smith, Speaks, Tosh, Watson, Wing, Womack
11

For An Act To Be Entitled

12
13 AN ACT TO CREATE THE GENDER INTEGRITY REINFORCEMENT
14 LEGISLATION FOR SPORTS (GIRLS) ACT; TO CREATE A LEGAL
15 CAUSE OF ACTION FOR A VIOLATION OF THE GENDER
16 INTEGRITY REINFORCEMENT LEGISLATION FOR SPORTS
17 (GIRLS) ACT; AND FOR OTHER PURPOSES.
18
19

Subtitle

20
21 TO CREATE THE GENDER INTEGRITY
22 REINFORCEMENT LEGISLATION FOR SPORTS
23 (GIRLS) ACT; AND TO CREATE A LEGAL CAUSE
24 OF ACTION FOR A VIOLATION OF THE GENDER
25 INTEGRITY REINFORCEMENT LEGISLATION FOR
26 SPORTS (GIRLS) ACT.
27
28

29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
30

31 SECTION 1. Arkansas Code Title 16 is amended to add a new chapter to
32 read as follows:
33

Chapter 129

34
35 GENDER INTEGRITY REINFORCEMENT LEGISLATION FOR SPORTS (GIRLS) ACT
36



1 16-129-101. Title.

2 This chapter shall be known and may be cited as the "Gender Integrity
3 Reinforcement Legislation for Sports (GIRLS) Act".

4
5 16-129-102. Legislative findings.

6 The General Assembly finds that:

7 (1) Like the United States Senate, the General Assembly
8 recognizes that "athletic participation helps develop self-discipline ...
9 confidence, and leadership skills" S. Res. 398, 115th Cong. (2018);

10 (2) The same United States Senate resolution states that
11 "opportunities for athletic participation should be available to all
12 individuals," both male and female;

13 (3) The same United States Senate resolution also states that,
14 although "the share of athletic participation opportunities of high school
15 girls has increased more than sixfold since the passage of Title IX of the
16 Education Amendments of 1972 . . . high school girls still experience . . . a
17 lower share of athletic participation opportunities than high school boys";

18 (4) According to the same United States Senate resolution,
19 disparities also still remain at the collegiate level;

20 (5) This chapter seeks to address these lingering disparities
21 and, as stated in the same United States Senate resolution, "promote equality
22 in sports and access to athletic opportunities for girls and women";

23 (6) To serve these goals, the General Assembly finds that there
24 are "'inherent differences between men and women,'" borrowing the words of
25 Justice Ruth Bader Ginsburg for a majority of the United States Supreme Court
26 in United States v. Virginia, 518 U.S. 515, 533 (1996); and

27 (7) As Justice Ginsburg further said, these inherent differences
28 "remain cause for celebration, but not for denigration of the members of
29 either sex or for artificial constraints on an individual's opportunity".

30
31 16-129-103. Definitions.

32 As used in this chapter:

33 (1) "Covered entity" means:

34 (A) An elementary school, high school, secondary school,
35 or postsecondary school that is located in Arkansas and receives state funds;

36 (B) Any other school or institution that is located in

1 Arkansas whose students or teams compete in interscholastic, intercollegiate,
2 intramural, or club athletic teams or sports against an entity defined in
3 subdivision (1)(A) of this section; and

4 (C) An entity that receives membership fees or any other
5 funds from an entity defined in subdivision (1)(A) or subdivision (1)(B) of
6 this section; and

7 (2) "Sex" means a person's immutable biological sex as
8 objectively determined by anatomy and genetics existing at the time of birth.

9
10 16-129-104. Participation requirements.

11 (a) Any interscholastic, intercollegiate, intramural, or club athletic
12 teams or sports that are sponsored by a covered entity shall be expressly
13 designated for one (1) of the following groups based on sex:

14 (1) Males, men, or boys;

15 (2) Females, women, or girls; or

16 (3) Coed or mixed.

17 (b) Members of the male sex are prohibited from an interscholastic,
18 intercollegiate, intramural, or club athletic team or sport that is expressly
19 designated for females, women, or girls.

20
21 16-129-105. Civil cause of action.

22 (a) The Attorney General may bring a cause of action for injunctive
23 relief and any other relief available under the law or in equity against:

24 (1) A covered entity that knowingly violates this chapter; and

25 (2) The directors, officers, agents, and employees of a covered
26 entity that knowingly violates this chapter.

27 (b) A court that finds a covered entity has knowingly violated this
28 chapter shall, in addition to awarding any relief requested under subsection
29 (a) of this section, enter an injunction barring the covered entity from
30 receiving funds from any public source, including without limitation
31 membership fees from a school, for a period of one (1) year.

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33
34 /s/Irvin

35 APPROVED: 4/27/21