

**Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.**

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4  
5 By: Senator A. Clark

SJR 16

**SENATE JOINT RESOLUTION**

8 AN AMENDMENT TO THE ARKANSAS CONSTITUTION PROVIDING  
9 THAT INTERSCHOLASTIC OR INTRAMURAL ATHLETIC TEAMS  
10 THAT ARE SPONSORED BY A PUBLIC SCHOOL SHALL BE  
11 EXPRESSLY DESIGNATED BASED ON BIOLOGICAL SEX; AND  
12 PROVIDING THAT ATHLETIC TEAMS OR SPORTS DESIGNATED  
13 FOR "FEMALES", "WOMEN", OR "GIRLS" SHALL NOT BE OPEN  
14 TO STUDENTS OF THE MALE SEX AND ATHLETIC TEAMS OR  
15 SPORTS DESIGNATED FOR "MALES", "MEN", OR "BOYS" SHALL  
16 NOT BE OPEN TO STUDENTS OF THE FEMALE SEX.

**Subtitle**

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19 AN AMENDMENT TO THE ARKANSAS CONSTITUTION  
20 PROVIDING THAT INTERSCHOLASTIC OR  
21 INTRAMURAL ATHLETIC TEAMS THAT ARE  
22 SPONSORED BY A PUBLIC SCHOOL SHALL BE  
23 EXPRESSLY DESIGNATED BASED ON BIOLOGICAL  
24 SEX.  
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28 BE IT RESOLVED BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE  
29 STATE OF ARKANSAS, AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL  
30 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:  
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32 That the following is proposed as an amendment to the Constitution of  
33 the State of Arkansas, and upon being submitted to the electors of the state  
34 for approval or rejection at the next general election for Representatives  
35 and Senators, if a majority of the electors voting thereon at the election  
36 adopt the amendment, the amendment shall become a part of the Constitution of



1 the State of Arkansas, to wit:

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3 SECTION 1. Arkansas Constitution, Article 14, is amended to add an  
4 additional section to read as follows:

5 § 5. Designation of athletic teams.

6 (a) The provisions of this section are part of the maintenance of a  
7 general, suitable, and efficient system of free public schools under Arkansas  
8 Constitution, Article 14, § 1, by ensuring that students are able to compete  
9 freely and are given an equitable opportunity in interscholastic and  
10 intramural athletic competition.

11 (b) Interscholastic or intramural athletic teams that are sponsored by  
12 a public school shall be expressly designated as one (1) of the following  
13 based on biological sex:

14 (1) "Males", "men", or "boys";

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

16 (3) "Coed" or "mixed".

17 (c)(1) Athletic teams or sports designated for "females", "women", or  
18 "girls" shall not be open to students of the male sex.

19 (2) Athletic teams or sports designated for "males", "men", or  
20 "boys" shall not be open to students of the female sex.

21 (d) If disputed, a student may establish his or her sex by presenting  
22 a signed physician's statement that shall indicate the student's sex based  
23 solely upon:

24 (1) The student's internal and external reproductive anatomy;

25 (2) The student's normally endogenously produced level of  
26 testosterone; and

27 (3) An analysis of the student's genetic makeup.

28 (e) The General Assembly may enact laws to implement this section,  
29 including without limitation laws concerning:

30 (1) Protections for public schools from complaints,  
31 investigations, or other adverse actions for maintaining separate  
32 interscholastic or intramural athletic teams or sports for students of the  
33 male and female sex; and

34 (2) Causes of action for injunctive relief, damages, and any  
35 other relief available under law for:

36 (A) A student who is deprived of an athletic opportunity

1 or who suffers direct or indirect harm resulting from a violation of this  
2 section;

3 (B) A student who is subject to retaliation or other  
4 adverse action by a public school as a result of reporting a violation of  
5 this section; or

6 (C) A public school that suffers any direct or indirect  
7 harm as a result of a violation of this section.

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9 SECTION 2. EFFECTIVE DATE. This amendment shall be effective on and  
10 after November 9, 2022.

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12 SECTION 3. BALLOT TITLE AND POPULAR NAME. When this proposed  
13 amendment is submitted to the electors of this state on the general election  
14 ballot:

15 (1) The title of this Joint Resolution shall be the ballot  
16 title; and

17 (2) The popular name shall be "A Constitutional Amendment  
18 Providing that Interscholastic or Intramural Athletic Teams that are  
19 Sponsored by a Public School Shall Be Expressly Designated Based on  
20 Biological Sex and Providing that Athletic Teams or Sports Designated for  
21 "Females", "Women", or "Girls" Shall Not Be Open to Students of the Male Sex  
22 and Athletic Teams or Sports Designated for "Males", "Men", or "Boys" Shall  
23 Not Be Open to Students of the Female Sex".