State of Arkansas

As Engrossed: S2/23/21

93rd General Assembly

Regular Session, 2021

By: Senator A. Clark

SENATE JOINT RESOLUTION

AN AMENDMENT TO THE ARKANSAS CONSTITUTION PROVIDING
THAT INTERSCHOLASTIC OR INTRAMURAL ATHLETIC TEAMS
THAT ARE SPONSORED BY A PUBLIC SCHOOL SHALL BE
EXPRESSLY DESIGNATED BASED ON BIOLOGICAL SEX; AND
PROVIDING THAT ATHLETIC TEAMS OR SPORTS DESIGNATED
FOR "FEMALES", "WOMEN", OR "GIRLS" SHALL NOT BE OPEN
TO STUDENTS OF THE MALE SEX.

Subtitle

AN AMENDMENT TO THE ARKANSAS CONSTITUTION
PROVIDING THAT INTERSCHOLASTIC OR
INTRAMURAL ATHLETIC TEAMS THAT ARE
SPONSORED BY A PUBLIC SCHOOL SHALL BE
EXPRESSLY DESIGNATED BASED ON BIOLOGICAL
SEX.

BE IT RESOLVED BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE
STATE OF ARKANSAS, AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

That the following is proposed as an amendment to the Constitution of
the State of Arkansas, and upon being submitted to the electors of the state
for approval or rejection at the next general election for Representatives
and Senators, if a majority of the electors voting thereon at the election
adopt the amendment, the amendment shall become a part of the Constitution of
the State of Arkansas, to wit:
SECTION 1. Arkansas Constitution, Article 14, is amended to add an additional section to read as follows:

§ 5. Designation of athletic teams.

(a) The provisions of this section are part of the maintenance of a general, suitable, and efficient system of free public schools under Arkansas Constitution, Article 14, § 1.

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

(1) "Males", "men", or "boys";
(2) "Females", "women", or "girls"; or
(3) "Coed" or "mixed".

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

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

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

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

(A) A student who is deprived of an athletic opportunity or who suffers direct or indirect harm resulting from a violation of this section;

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

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

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

SECTION 3. BALLOT TITLE AND POPULAR NAME. When this proposed amendment is submitted to the electors of this state on the general election
(1) The title of this Joint Resolution shall be the ballot title; and

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

/s/A. Clark