

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

# A Bill

SENATE BILL 450

5 By: Senator Irvin  
6 By: Representative Vaught  
7

## For An Act To Be Entitled

9 AN ACT TO CREATE THE GENDER INTEGRITY REINFORCEMENT  
10 LEGISLATION FOR SPORTS (GIRLS) ACT; TO CREATE A LEGAL  
11 CAUSE OF ACTION FOR A VIOLATION OF THE GENDER  
12 INTEGRITY REINFORCEMENT LEGISLATION FOR SPORTS  
13 (GIRLS) ACT; AND FOR OTHER PURPOSES.  
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## Subtitle

16 TO CREATE THE GENDER INTEGRITY  
17 REINFORCEMENT LEGISLATION FOR SPORTS  
18 (GIRLS) ACT; AND TO CREATE A LEGAL CAUSE  
19 OF ACTION FOR A VIOLATION OF THE GENDER  
20 INTEGRITY REINFORCEMENT LEGISLATION FOR  
21 SPORTS (GIRLS) ACT.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code Title 16 is amended to add a new chapter to  
28 read as follows:  
29

### Chapter 129

31 GENDER INTEGRITY REINFORCEMENT LEGISLATION FOR SPORTS (GIRLS) ACT  
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33 16-129-101. Title.

34 This chapter shall be known and may be cited as the "Gender Integrity  
35 Reinforcement Legislation for Sports (GIRLS) Act".  
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1 16-129-102. Legislative findings.

2 The General Assembly finds that:

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

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

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

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

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

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

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

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27 16-129-103. Definitions.

28 As used in this chapter:

29 (1) "Covered entity" means:

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

32 (B) Any other school or institution that is located in  
33 Arkansas whose students or teams compete in athletics, sports, or other  
34 similar activities against an entity defined in subdivision (1)(A) of this  
35 section; and

36 (C) An entity that receives membership fees or any other

1 funds from an entity defined in subdivision (1)(A) or subdivision (1)(B) of  
2 this section; and

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

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6 16-129-104. Participation requirements.

7 (a) Any athletics, sports, or other similar activities that are  
8 sponsored by a covered entity shall be expressly designated for one (1) of  
9 the following groups based on sex:

10 (1) Males, men, or boys;

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

12 (3) Coed or mixed.

13 (b) Members of the male sex are prohibited from an athletics, sports,  
14 or other similar activity that is expressly designated for females, women, or  
15 girls.

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17 16-129-105. Civil cause of action.

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

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

21 (2) The directors, officers, agents, and employees of a covered  
22 entity that violates this chapter.

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

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