

Stricken language would be deleted from and underlined language would be added to present law.

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

## Subtitle

20 TO CREATE THE GENDER INTEGRITY  
21 REINFORCEMENT LEGISLATION FOR SPORTS  
22 (GIRLS) ACT; AND TO CREATE A LEGAL CAUSE  
23 OF ACTION FOR A VIOLATION OF THE GENDER  
24 INTEGRITY REINFORCEMENT LEGISLATION FOR  
25 SPORTS (GIRLS) ACT.  
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29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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31 SECTION 1. Arkansas Code Title 16 is amended to add a new chapter to  
32 read as follows:  
33

### Chapter 129

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

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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".

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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.

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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.

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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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34 /s/Irvin