
A BILL FOR AN ACT

RELATING TO SEX-SPECIFIC STUDENT ATHLETIC TEAMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that it is both proper and
2 healthy for a society to maintain opportunities for female
3 athletes to demonstrate their skill, strength, and athletic
4 abilities while also providing them with opportunities to obtain
5 recognition and accolades, college scholarships, and the
6 numerous other long-term benefits that result from success in
7 athletic endeavors.

8 The legislature also finds that in recent years, the
9 question of transgender athletes competing against biologically
10 opposite genders has stirred controversies across the nation,
11 with male-to-female transgender athletes winning events ranging
12 from girls state high school championship titles, to a womens
13 NCAA 500-yard freestyle swimming event.

14 The legislature further finds there is a dire need to
15 promote sex equality by ensuring that female athletes have a
16 designated space to compete against other females. While it has
17 become part of a national conversation, the legislature finds



1 that for this particular issue, the male and female designation
2 is to mean biological male and biological female, respectively.

3 The purpose of this Act is to require the designation of
4 separate sex-specific athletic teams or sports.

5 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
6 amended by adding a new section to be properly designated and to
7 read as follows:

8 "§302A- Sex-specific athletic teams. (a) There is a
9 requirement to designate separate sex-specific athletic teams or
10 sports within interscholastic, intercollegiate, intramural, and
11 club athletic teams or sports. These include sports teams
12 sponsored by a public, primary or secondary school, a public
13 postsecondary institution, or any school or institution whose
14 students or teams compete against a public school or public
15 postsecondary institution. These teams shall be expressly
16 designated as one of the following based on biological sex:

17 (1) Males, men, or boys;

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

19 (3) Coed or mixed.

20 (b) Athletic teams or sports designated for females, women,
21 or girls may not be open to students of the male sex.



1 (c) A dispute regarding a student's sex shall be resolved
2 by the student's school or institution by requesting that the
3 student provide a health examination and consent form or other
4 statement signed by the student's personal health care provider
5 which must verify the student's biological sex. The health care
6 provider may verify the student's biological sex as part of a
7 routine sports physical examination by relying on only one or
8 more of the following:

- 9 (1) The student's reproductive anatomy;
10 (2) The student's genetic makeup; or
11 (3) The student's normal endogenously produced testosterone
12 levels.

13 (d) The State Board of Education shall adopt rules
14 regarding the receipt and timely resolution of disputes by
15 schools and institutions consistent with this subsection."

16 SECTION 3. Chapter 302A, Hawaii Revised Statutes, is
17 amended by adding a new section to be properly designated and to
18 read as follows:

19 "**§302A- Protection for educational institutions.** (a) A
20 governmental entity, any licensing or accrediting organization,
21 or any athletic association or organization may not entertain a



1 complaint, open an investigation, or take any other adverse
2 action against any school or public postsecondary institution
3 for maintaining separate interscholastic, intercollegiate,
4 intramural, or club athletic teams or sports for students of the
5 female sex."

6 SECTION 4. Chapter 302A, Hawaii Revised Statutes, is
7 amended by adding a new section to be properly designated and to
8 read as follows:

9 **"§302A- Cause of action, civil remedies.** (a) Any student
10 who is deprived of an athletic opportunity or suffers any direct
11 or indirect harm as a result of a violation of this section
12 shall have a private cause of action for injunctive relief,
13 damages, and any other relief available under law against the
14 school or public postsecondary institution.

15 (b) Any student who is subject to retaliation or other
16 adverse action by a school, postsecondary institution, or
17 athletic association or organization as a result of reporting a
18 violation of this section to an employee or representative of
19 the school, institution, or athletic association or
20 organization, or to any state or federal agency with oversight
21 of schools or public postsecondary institutions in the state,



1 shall have a private cause of action for injunctive relief,
2 damages, and any other relief available under law against the
3 school, institution, or athletic association or organization.

4 (c) Any school or public postsecondary institution that
5 suffers any direct or indirect harm as a result of a violation
6 of this section shall have a private cause of action for
7 injunctive relief, damages, and any other relief available under
8 law against the governmental entity, licensing or accrediting
9 organization, or athletic association or organization.

10 (d) All civil actions brought under this section must be
11 initiated within two years after the alleged harm occurred.

12 Persons or organizations who prevail on a claim brough under
13 this section shall be entitled to monetary damages, including
14 for any psychological, emotional, or physical harm suffered,
15 reasonable attorney fees and costs, and any other appropriate
16 relief."

17 SECTION 5. New statutory material is underscored.

18 SECTION 6. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



1 SECTION 7. If any provision of this Act, or the
2 application thereof to any person or circumstance, is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the Act that can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

7 SECTION 8. This Act shall take effect upon its approval.

8

INTRODUCED BY:



JAN 20 2023



H.B. NO. 508

Report Title:

Sex-specific athletic teams; school sports.

Description:

Creates the requirement of school sports to designate sex-specific teams for the purpose of gender equality.

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