

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

FILED SENATE  
Apr 5, 2023  
S.B. 631  
PRINCIPAL CLERK

S

D

SENATE BILL DRS35235-NH-86B

Short Title: Fairness in Women's Sports Act.

(Public)

Sponsors: Senators Corbin, Krawiec, and Sawyer (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROTECT OPPORTUNITIES FOR WOMEN AND GIRLS IN ATHLETICS.  
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 115C-12(23) is amended by adding the following new  
5 sub-subdivisions to read:

6 "e. All teams participating in interscholastic or intramural athletic  
7 activities shall comply with the following:

8 1. Each team shall be expressly designated by the biological sex  
9 of the team participants as one of the following:

10 I. Males, men, or boys.

11 II. Females, women, or girls.

12 III. Coed or mixed.

13 2. Athletic teams or sports designated for females, women, or  
14 girls shall not be open to students of the male sex.

15 3. Athletic teams or sports designated for males, men, or boys  
16 shall not be open to students of the female sex unless there is  
17 no comparable female team for a particular sport and the sport  
18 is not a contact sport as defined by 34 C.F.R. § 106.41(b).

19 4. For purposes of this sub-subdivision, a student's sex shall be  
20 recognized based solely on the student's reproductive biology  
21 and genetics at birth.

22 f. A student who is deprived of an athletic opportunity or suffers or is  
23 likely to suffer from any direct or indirect harm as a result of a  
24 violation of sub-subdivision e. of this subdivision may assert that  
25 violation as a cause of action for remedies provided for in  
26 sub-subdivision i. of this subdivision.

27 g. A student who is subjected to retaliation or other adverse action by a  
28 public school unit, athletic association, or other organization as a result  
29 of reporting a violation of sub-subdivision e. of this subdivision to an  
30 employee or representative of the public school unit, athletic  
31 association, or to any local, State, or federal agency with oversight of  
32 the public school unit shall have a cause of action for remedies  
33 provided for in sub-subdivision i. of this subdivision.

34 h. Any public school unit or its representatives or employees who suffer  
35 any direct or indirect harm for complying with sub-subdivision e. of



\* D R S 3 5 2 3 5 - N H - 8 6 B \*

1 this subdivision shall have a cause of action for remedies provided for  
2 in sub-subdivision i. of this subdivision.

3 i. Any person who brings a cause of action pursuant to sub-subdivisions  
4 e. through h. of this subdivision, within two years of the date the harm  
5 occurred, may obtain appropriate relief, including the following:

6 1. Injunctive relief, protective order, writ of mandamus or  
7 prohibition, or declaratory relief to prevent any violation of  
8 sub-subdivision e. of this subdivision.

9 2. Actual damages, including for psychological, emotional, or  
10 physical harm, reasonable attorney fees, and costs.

11 j. The State Board of Education shall monitor middle and high schools  
12 for compliance with sub-subdivision e. of this subdivision. If the  
13 Board finds a school in violation, it shall report the identity of the  
14 school to the Joint Legislative Education Oversight Committee."

15 **SECTION 2.** G.S. 115C-218.75 is amended by adding a new subsection to read:

16 "(k) Athletic Teams. – A charter school organizing athletic teams for middle or high school  
17 students to participate in interscholastic or intramural athletic activities shall do so in accordance  
18 with G.S. 115C-12(23)."

19 **SECTION 3.** G.S. 115C-238.66 is amended by adding a new subdivision to read:

20 "(19) Athletic teams. – A regional school organizing athletic teams for middle or  
21 high school students to participate in interscholastic or intramural athletic  
22 activities shall do so in accordance with G.S. 115C-12(23)."

23 **SECTION 4.** G.S. 116-239.8(b) is amended by adding a new subdivision to read:

24 "(22) Athletic teams. – A laboratory school organizing athletic teams for middle or  
25 high school students to participate in interscholastic or intramural athletic  
26 activities shall do so in accordance with G.S. 115C-12(23)."

27 **SECTION 5.** Article 39 of Chapter 115C of the General Statutes is amended by  
28 adding a new section to read:

29 **"§ 115C-567. Athletic teams.**

30 (a) Any nonpublic school that is a member of an organization that administers  
31 interscholastic athletic activities pursuant to Article 29E of this Chapter shall comply with  
32 G.S. 115C-12(23).

33 (b) Athletic teams organized by nonpublic schools at the middle or high school level that  
34 are not covered by subsection (a) of this section shall comply with G.S. 115C-12(23) if the team  
35 is playing a team from any school required to follow G.S. 115C-12(23)."

36 **SECTION 6.** This act is effective when it becomes law and applies beginning with  
37 the 2023-2024 school year.