

**2005-2006 #70 male and female participation in school sports FINAL**

*Be it enacted by the people of the State of Colorado,*

**SECTION 1.** The people of the State of Colorado hereby find and declare;

**Legislative Declaration**

- (1) Males and females possess unique and immutable biological differences that manifest prior to birth and increase as they age and experience puberty;
- (2) Biological differences between the sexes are enduring and may, in some circumstances, warrant the creation of separate social, educational, athletic, or other arrangements in order to ensure safety and to allow members of each sex to succeed and thrive;
- (3) Physical differences between males and females have long made separate and sex-specific sports teams important so that female athletes can have equal opportunities to compete in sports while reducing the risk of physical injury;
- (4) Because of the physical differences between males and females, having separate athletic teams based on the biological sex of the athlete reduces the chance of injury to female athletes, promotes equality between the sexes, provides opportunities for female athletes to compete against their female peers rather than against male athletes, and allows female athletes to compete on a fair playing field for athletic accomplishments, including educational scholarships;

**SECTION 2.** In Colorado Revised Statutes, **add** Title 25, article 60, as follows:

**25-60-101. Short Title.** ARTICLE 60 OF THIS TITLE SHALL BE KNOWN AND MAY BE CITED AS THE “PROTECT WOMEN AND GIRLS SPORTS ACT.”

**25-60-102. Definitions:** AS USED IN THIS ARTICLE 60, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (1) “ATHLETIC ASSOCIATION” MEANS A CORPORATION, ASSOCIATION, OR ORGANIZATION WHICH HAS AS ONE OF ITS PRIMARY PURPOSES THE SPONSORING OR ADMINISTRATION OF EXTRACURRICULAR INTERSCHOLASTIC ATHLETIC CONTESTS OR COMPETITIONS.
- (2) “BOY” MEANS AN ADOLESCENT HUMAN MALE.

(3) “FEMALE” MEANS A PERSON WHOSE BIOLOGICAL REPRODUCTIVE SYSTEM IS ORGANIZED AROUND THE PRODUCTION OF OVA. FEMALE INCLUDES A WOMAN AND A GIRL.

(4) “GIRL” MEANS AN ADOLESCENT HUMAN FEMALE.

(5) “MALE” MEANS A PERSON WHOSE BIOLOGICAL REPRODUCTIVE SYSTEM IS ORGANIZED AROUND THE PRODUCTION OF SPERM. MALE INCLUDES A MAN AND A BOY.

(6) “MAN” MEANS AN ADULT HUMAN MALE.

(7) “POSTSECONDARY EDUCATIONAL INSTITUTION” MEANS A PUBLIC OR PRIVATE UNIVERSITY, COLLEGE, OR COMMUNITY COLLEGE LOCATED IN COLORADO THAT IS A MEMBER INSTITUTION OF AN ACCREDITING BODY RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION.

(8) “SCHOOL” MEANS ANY

(A) PUBLIC, CHARTER, PRIVATE, OR DENOMINATIONAL SCHOOL OFFERING INSTRUCTION IN ELEMENTARY OR SECONDARY GRADES OR

(B) POSTSECONDARY EDUCATIONAL INSTITUTION.

(9) “STATE AGENCY” MEANS ANY STATE BOARD, BUREAU, COMMISSION, DEPARTMENT, INSTITUTION, DIVISION, SECTION, OR OFFICER OF THE STATE, EXCEPT THOSE IN THE LEGISLATIVE BRANCH OR JUDICIAL BRANCH.

(10) “WOMAN” MEANS AN ADULT HUMAN FEMALE.

## **25-60-104. Men’s and women’s sports teams.**

(1) AN INTERSCHOLASTIC OR INTRAMURAL ATHLETIC TEAM OR SPORT THAT IS SPONSORED BY A SCHOOL OR ATHLETIC ASSOCIATION SHALL BE EXPRESSLY DESIGNATED AS ONE OF THE FOLLOWING BASED ON BIOLOGICAL SEX:

(a) MALES, MEN, OR BOYS;

(b) FEMALES, WOMEN, OR GIRLS; OR

(c) COEDUCATIONAL OR MIXED.

(2)(a) AN INTERSCHOLASTIC OR INTRAMURAL ATHLETIC TEAM OR SPORT SPONSORED BY A SCHOOL OR ATHLETIC ASSOCIATION THAT IS DESIGNATED FOR FEMALES, WOMEN, OR GIRLS SHALL NOT BE OPEN TO A MALE STUDENT OR PARTICIPANT.

(b) AN INTERSCHOLASTIC OR INTRAMURAL ATHLETIC TEAM OR SPORT SPONSORED BY A SCHOOL OR ATHLETIC ASSOCIATION AND DESIGNATED FOR MALES, MEN, OR BOYS SHALL NOT BE OPEN TO A FEMALE STUDENT OR PARTICIPANT UNLESS THERE IS NO FEMALE TEAM OFFERED OR AVAILABLE FOR SUCH SPORT FOR SUCH FEMALE STUDENT OR PARTICIPANT.

(3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO RESTRICT THE ELIGIBILITY OF ANY STUDENT OR PARTICIPANT TO PARTICIPATE IN ANY INTERSCHOLASTIC OR INTRAMURAL ATHLETIC TEAMS OR SPORTS DESIGNATED AS COEDUCATIONAL OR MIXED.

(4) A GOVERNMENT ENTITY, LICENSING OR ACCREDITING ORGANIZATION, OR ATHLETIC ASSOCIATION MAY NOT ENTERTAIN A COMPLAINT, OPEN AN INVESTIGATION, OR TAKE ANY OTHER ADVERSE ACTION AGAINST A SCHOOL FOR MAINTAINING A SEPARATE INTERSCHOLASTIC OR INTRAMURAL ATHLETIC TEAM OR SPORT FOR FEMALE STUDENTS OR PARTICIPANTS.

#### **25-60-105. Enforcement by the Commissioner of Education.**

(1) THE GOVERNING BODY OF EACH SCHOOL MUST ADOPT A POLICY IMPLEMENTING THE PROVISIONS OF THIS ARTICLE.

(2) IF THE COMMISSIONER OF EDUCATION DETERMINES THAT ANY SCHOOL DISTRICT AS DEFINED IN SECTION 22-30-103(13) HAS INTENTIONALLY REFUSED TO COMPLY WITH THIS ARTICLE, THE COMMISSIONER SHALL NOTIFY THE SCHOOL DISTRICT OF THE NONCOMPLIANCE AND ALLOW THE SCHOOL DISTRICT A REASONABLE TIME TO COMPLY. IF THE COMMISSIONER DETERMINES, AFTER SUCH TIME HAS ELAPSED, THAT THE SCHOOL DISTRICT IS NOT IN COMPLIANCE AND HAS NOT MADE A GOOD-FAITH ATTEMPT TO COMPLY, THE COMMISSIONER SHALL TAKE APPROPRIATE REMEDIAL ACTION WITHIN THE COMMISSIONER'S AUTHORITY.

#### **25-60-106. Protections under the Americans with Disabilities Act.**

NOTWITHSTANDING ANY OTHER PROVISION WITHIN THIS SECTION, AN INDIVIDUAL BORN WITH A DIAGNOSIS OF A DISORDER OR DIFFERENCE IN SEX DEVELOPMENT MUST RECEIVE ALL LEGAL PROTECTIONS AND ACCOMMODATIONS AFFORDED UNDER FEDERAL LAW.

**25-60-107. Severability.** IF ANY SECTION IN THIS ACT OR ANY PART OF ANY SECTION IS DECLARED INVALID OR UNCONSTITUTIONAL, THE DECLARATION SHALL NOT AFFECT THE VALIDITY OR CONSTITUTIONALITY OF THE REMAINING PORTIONS.

**SECTION 3. Effective Date.** This measure shall become effective on January 1, 2027.