



ROSENSTEIN, FIST & RINGOLD

RED BANNER UPDATE

Date: March 30, 2022

Re: SB 0002

Signed: March 30, 2022

Effective: Immediately

Topic: **Save Women’s Sports Act—Transgender Athletes and Women’s Sports**

Summary: The Save Women’s Sports Act (“Act”) creates a new section of law, to be codified in the Oklahoma Statutes as Section 27-106 of Title 70, and prohibits students of the male sex from participating in athletic teams designated for the female sex.

The Operative Language

The Act requires schools to expressly designate their athletic teams as one of the following based on biological sex: (1) “Males”, “men”, or “boys”; (2) “Females”, “women”, or “girls”; or (3) “Coed” or “mixed”. Biological male students are prohibited from playing sports designated for female athletes. The Act also requires that, prior to the beginning of each school year, the parent or legal guardian of an athlete must sign an affidavit acknowledging the biological sex of the student athlete at birth. If the student is over eighteen (18) years old, the same requirement applies to the student. Furthermore, if there is “any change in the status of the biological sex of the student, the affiant shall notify the school within thirty (30) days of such change.”

Causes of Action for Injuries Resulting from Violations

The Act creates three causes of action that permit various parties to sue for injuries incurred as a result of violations of its provisions. First, any student that is deprived of an athletic opportunity or suffers any direct or indirect harm because of a violation will have a cause of action for injunctive relief and/or damages. Second, a cause of action for the same relief is created for any student that is retaliated against by a school, school athletic association, or intercollegiate association due to their filing a report that the law was violated. And third, any



school that suffers direct or indirect harm resulting from a violation of the law will have a cause of action against the State Board of Education, the Oklahoma State Regents for Higher Education, school athletic association, or intercollegiate association.

Agencies Prohibited from Taking Action Contradictory to This Act

Lastly, the statute prohibits the State Board of Education, the Oklahoma State Regents for Higher Education, any school athletic association, or any intercollegiate athletic association from entertaining a complaint, opening an investigation, or otherwise taking adverse action against a school for maintaining athletic programs that comply with the Act.

For More Information

Please visit the firm's website to view the signed Act.

RFR attorneys are reviewing this legislation and will be advising clients as to any recommended changes to existing district policies.