

# House Bill 4054

Sponsored by Representative GOODWIN, Senator SMITH DB; Representatives BOICE, CATE, DIEHL, HELFRICH, HIEB, LEWIS, OWENS, WRIGHT, YUNKER, Senators HANSELL, LINTHICUM, THATCHER, WEBER (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act tells certain entities to designate sports by gender. The Act forbids males from playing in female sports. (Flesch Readability Score: 72.35).

Requires each athletic association, conference or organization with authority over intercollegiate sports, post-secondary institution of education and school district to designate athletic competitions and extracurricular sports according to biological sex. Prohibits biological males from participating in athletic competitions or extracurricular sports designated for biological females.

Provides causes of action for students, post-secondary institutions of education and school districts.

## A BILL FOR AN ACT

1  
2 Relating to participation in athletics according to biological sex.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) For purposes of this section:**

5 (a) **“Academic entity” means:**

6 (A) **A post-secondary institution of education, as that term is defined in ORS 702.200; and**

7 (B) **A school district.**

8 (b) **“Athletic entity” means:**

9 (A) **An athletic association, conference or organization with authority over**  
10 **intercollegiate sports;**

11 (B) **A post-secondary institution of education, as that term is defined in ORS 702.200; and**

12 (C) **A school district.**

13 (2) **Each athletic entity shall require that every athletic competition and extracurricular**  
14 **sport be expressly designated by the biological sex of the students who participate in the**  
15 **competition or sport as follows:**

16 (a) **“Males,” “Men” or “Boys”;**

17 (b) **“Females,” “Women” or “Girls”;** or

18 (c) **“Coed.”**

19 (3) **For purposes of subsection (2) of this section, a student’s biological sex is the biolog-**  
20 **ical sex stated on:**

21 (a) **The student’s birth certificate; or**

22 (b) **If the student’s birth certificate is unavailable, any government-issued record that**  
23 **states the student’s biological sex.**

24 (4) **For purposes of subsection (3) of this section, a statement of the student’s biological**  
sex on the student’s birth certificate or other government-issued record must have been:

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) Recorded at or near the time of the student’s birth; and

2 (b) If modified, modified only to correct a scrivener or clerical error.

3 (5) If a student’s biological sex is under dispute, the student shall establish the student’s  
4 biological sex by presenting a signed statement of a physician that indicates the student’s  
5 biological sex based solely on:

6 (a) The student’s internal and external reproductive anatomy;

7 (b) The student’s normal endogenously produced levels of testosterone; and

8 (c) An analysis of the student’s genetic makeup.

9 (6) Students of the biologically male sex may not participate in any athletic competition  
10 or extracurricular sport that is designated as “Females,” “Women” or “Girls” under sub-  
11 section (2) of this section.

12 (7) Nothing in subsection (6) of this section restricts or prohibits any student from par-  
13 ticipating in any athletic competition or extracurricular sport that is designated as  
14 “Males,” “Men,” “Boys” or “Coed.”

15 (8) A public body, as defined in ORS 174.109, any licensing or accrediting organization or  
16 any voluntary organization that administers intercollegiate or interscholastic activities or  
17 that facilitates the scheduling and programming of intercollegiate or interscholastic activ-  
18 ities may not entertain a complaint, open an investigation or take any other adverse action  
19 against an academic entity for maintaining separate athletic competitions or extracurricular  
20 sports in accordance with subsection (6) of this section.

21 (9) Any student who is deprived of an opportunity or suffers a direct or indirect harm  
22 as a result of an academic entity knowingly violating subsection (6) of this section may bring  
23 a claim against the academic entity for injunctive relief, damages and any other relief  
24 available under law.

25 (10) Any student who is subject to retaliation or any other adverse action by an athletic  
26 entity as a result of reporting a violation of subsection (6) of this section to an employee of  
27 the athletic entity, or to any public body with oversight of the athletic entity in this state,  
28 may bring a claim against the athletic entity for injunctive relief, damages and any other  
29 relief available under law.

30 (11) Any academic entity that suffers a direct or indirect harm as a result of a violation  
31 of subsection (8) of this section may bring a claim against the public body, licensing or ac-  
32 crediting organization or voluntary organization for injunctive relief, damages and any other  
33 relief available under law.

34 (12) Any civil action brought under this section must be initiated not more than two  
35 years after the alleged direct or indirect harm or the retaliation or other adverse action  
36 occurred. A student, post-secondary institution of education or school district that prevails  
37 on a claim brought under this section is entitled to monetary damages, including damages  
38 for any psychological, emotional or physical harm suffered, attorney fees and costs and any  
39 other appropriate relief.

40 **SECTION 2.** This 2024 Act first applies to the 2025-2026 academic year.