

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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SENATE BILL 631  
PROPOSED COMMITTEE SUBSTITUTE S631-PCS15319-BE-18

Short Title: Fairness in Women's Sports Act.

(Public)

Sponsors:

Referred to:

April 6, 2023

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 designated for females, women, or girls shall  
14 not be open to students of the male sex.

15 3. For purposes of this sub-subdivision, a student's sex shall be  
16 recognized based solely on the student's reproductive biology  
17 and genetics at birth.

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

23 g. A student who is subjected to retaliation or other adverse action by a  
24 public school unit, administering organization as defined in  
25 G.S. 115C-407.50, or other organization as a result of reporting a  
26 violation of sub-subdivision e. of this subdivision to an employee or  
27 representative of the public school unit, administering organization, or  
28 to any local, State, or federal agency with oversight of the public  
29 school unit shall have a cause of action for remedies provided for in  
30 sub-subdivision i. of this subdivision.

31 h. Any public school unit or its representatives or employees who suffer  
32 any direct or indirect harm for complying with sub-subdivision e. of  
33 this subdivision shall have a cause of action for remedies provided for  
34 in sub-subdivision i. of this subdivision.



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- 1                   i.       Any person who brings a cause of action pursuant to sub-subdivisions  
2                   f. through h. of this subdivision, within two years of the date the harm  
3                   occurred, may obtain appropriate relief, including the following:  
4                   1.       Injunctive relief, protective order, writ of mandamus or  
5                   prohibition, or declaratory relief to prevent any violation of  
6                   sub-subdivision e. of this subdivision.  
7                   2.       Actual damages, including for psychological, emotional, or  
8                   physical harm, reasonable attorney fees, and costs.  
9                   j.       The State Board of Education shall monitor middle and high schools  
10                  for compliance with sub-subdivision e. of this subdivision. If the  
11                  Board finds a school in violation, it shall report the identity of the  
12                  school to the Joint Legislative Education Oversight Committee."

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

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

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

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

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

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

25       **SECTION 5.(a)** Article 39 of Chapter 115C of the General Statutes is amended by  
26 adding a new section to read:

27       "§ 115C-548.1. Athletic teams.

28       (a) Any private church school or school of religious charter that is a member of an  
29 organization that administers interscholastic athletic activities pursuant to Article 29E of this  
30 Chapter shall comply with G.S. 115C-12(23).

31       (b) Any athletic team organized by a private church school or school of religious charter  
32 at the middle or high school level that is not covered by subsection (a) of this section shall comply  
33 with G.S. 115C-12(23) if the team is playing a team from any school required to follow  
34 G.S. 115C-12(23)."

35       **SECTION 5.(b)** Article 39 of Chapter 115C of the General Statutes is amended by  
36 adding a new section to read:

37       "§ 115C-556.1. Athletic teams.

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

41       (b) Any athletic team organized by a qualified nonpublic school at the middle or high  
42 school level that is not covered by subsection (a) of this section shall comply with  
43 G.S. 115C-12(23) if the team is playing a team from any school required to follow  
44 G.S. 115C-12(23)."

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