

SENATE BILL NO. 112—SENATOR BUCK

PREFILED JANUARY 23, 2025

Referred to Committee on Education

SUMMARY—Revises provisions relating to athletics. (BDR 34-36)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to athletics; requiring certain schools and institutions of higher education to designate by sex the athletic teams and sports sponsored by the schools or institutions; prohibiting male or female athletes from competing on teams designated for the other sex; prohibiting certain actions from being brought against a school or institution for maintaining a separate athletic team or sport designated for pupils and students of the female or male sex; establishing certain causes of action; establishing the statute of limitations for such actions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law governs athletics in schools and in institutions of higher education.
2 (Chapters 385B and 398 of NRS) **Section 5** of this bill requires a public school or a
3 private school that competes against a public school to designate, based on
4 biological sex at birth, each athletic team or sport that is sponsored by the school as
5 being for males, for females or for both males and females. **Section 5** prohibits
6 such a school from opening an athletic team or sport that is designated for females
7 or males to participation by members of the other sex. **Section 6** of this bill
8 provides that a school’s compliance with **section 5** does not constitute
9 discrimination on the basis of sex or gender identity or expression under any state
10 statute or local ordinance. **Section 6** also prohibits certain entities that oversee
11 athletic teams and sports that are sponsored by public schools from taking certain
12 adverse actions against a school for maintaining a separate athletic team or sport for
13 females or males. **Sections 10 and 11** of this bill establish similar provisions
14 applicable to public and private institutions of higher education. **Sections 3, 4 and**
15 **9** of this bill define certain terms, and **section 2** of this bill establishes the
16 applicability of the definitions set forth in **sections 3 and 4**.



17 **Section 7** of this bill authorizes a pupil to bring a civil action against: (1) a
18 school for a violation of **sections 2-7**; or (2) a school or athletic association or
19 organization for retaliating against the pupil for reporting a violation of **sections 2-**
20 **7** to the school, athletic association or organization or a state or federal agency with
21 oversight of the school. **Section 7** additionally authorizes a school to bring a civil
22 action against a governmental entity, licensing or accrediting organization or
23 athletic association or organization for a violation of **sections 2-7**. **Section 7**
24 establishes: (1) the period within which such a civil action must be filed; and (2) the
25 types of relief available in such a civil action. **Section 12** of this bill establishes
26 similar provisions applicable to public and private institutions of higher education.

1 WHEREAS, In 2018, *Communicative & Integrative Biology*
2 published an article titled “Only two sex forms but multiple gender
3 variants: How to explain?” which stated that “with respect to
4 biological sex, one is either male or female”; and

5 WHEREAS, In 2021, *BJPsych Bulletin* published an article titled
6 “Sex, gender and gender identity: a re-evaluation of the evidence,”
7 which explained that the sex of a natural person “is determined at
8 fertili[z]ation and revealed at birth or, increasingly, *in utero*”; and

9 WHEREAS, In 2012, *Chromosome Research* published an article
10 titled “Mammalian sex determination-insights from humans and
11 mice,” which stated that “biological differences between males and
12 females are determined genetically during embryonic development”;
13 and

14 WHEREAS, In 2021, *Sports Medicine* published an article titled
15 “Transgender Women in the Female Category of Sport: Perspectives
16 on Testosterone Suppression and Performance Advantage,” which
17 asserted that the “[s]econdary sex characteristics that develop during
18 puberty . . . generate anatomical divergence beyond the reproductive
19 system, leading to adult body types that are measurably different
20 between sexes”; and

21 WHEREAS, The United States Supreme Court has declared there
22 are inherent differences between men and women and these
23 differences are “cause for celebration, but not for denigration of the
24 members of either sex or for artificial constraints on an individual’s
25 opportunity” (*United States v. Virginia*, 518 U.S. 515, 533 (1996));
26 and

27 WHEREAS, In 2016, the *European Journal of Sport Science*
28 published an article titled “Physical fitness normative values for 6-
29 18-year-old Greek boys and girls, using the empirical distribution
30 and the lambda, mu, and sigma statistical method” and in 2011, the
31 *British Journal of Sports Medicine* published an article titled
32 “Normative health-related fitness values for children: Analysis of
33 85347 test results on 9-17-year-old Australians since 1985,” which
34 discussed studies of large cohorts of children who were between 6
35 and 19 years of age and found that boys typically scored higher than



1 girls on cardiovascular endurance, muscular strength, muscular
2 endurance and speed and agility but lower on flexibility; and

3 WHEREAS, In 2017, the *International Journal of Sports*
4 *Physiology and Performance* published an article titled “Sex
5 Differences in World Record Performance: The Influence of Sport
6 Discipline and Competition Duration,” which concluded that the
7 physiological differences between males and females that are
8 relevant to performance in sports “include a larger body size with
9 more skeletal muscle mass, a lower percentage of body fat, as well
10 as greater maximal delivery of anaerobic and aerobic energy”; and

11 WHEREAS, In 2017, *Law and Contemporary Problems*
12 published an article titled “Sex in Sport” that explained that men
13 having higher natural levels of testosterone is significant because it
14 affects traits such as “hemoglobin levels, body fat content, ‘the
15 absolute ability to store and use carbohydrate,’ and the development
16 of ‘Type 2 muscle fibers, which are used to generate speed and
17 power’ ”; and

18 WHEREAS, The article published in *Sports Medicine* titled
19 “Transgender Women in the Female Category of Sport: Perspectives
20 on Testosterone Suppression and Performance Advantage” also
21 explained that there is a gap between males and females with regard
22 to performance in sports such that the physiological advantages
23 conferred on males by biological sex “appear, on assessment of
24 performance data, [to be] insurmountable”; and

25 WHEREAS, The United States Supreme Court has also declared
26 that while classifications based on sex are generally disfavored,
27 “[s]ex classifications may be used to compensate women for
28 particular economic disabilities [they have] suffered, to promot[e]
29 equal employment opportunity, [and] to advance full development
30 of the talent and capacities of our Nation’s people” (*United States v.*
31 *Virginia*, 518 U.S. 515, 533 (1996) (alteration in original) (internal
32 citations and quotations omitted); and

33 WHEREAS, One area where sex classifications allow for the full
34 development of the talent and capacities of our Nation’s people is in
35 the context of sports and athletics; and

36 WHEREAS, The Supreme Court of Rhode Island and the Illinois
37 Fourth District Appeals Court have recognized that the inherent,
38 physiological differences between males and females result in
39 different athletic capabilities (*Kleczek v. R.I. Interscholastic League,*
40 *Inc.*, 612 A.2d 734, 738 (R.I. 1992); *Petrie v. Ill. High Sch. Ass’n,*
41 394 N.E.2d 855, 861); and

42 WHEREAS, The article published in *Sports Medicine* titled
43 “Transgender Women in the Female Category of Sport: Perspectives
44 on Testosterone Suppression and Performance Advantage” also
45 explained that the benefits that natural testosterone provides to male



1 athletes are not significantly diminished through the use of
2 testosterone suppression; and

3 WHEREAS, That article found that policies like those of the
4 International Olympic Committee requiring biological males to
5 undergo at least 1 year of testosterone suppression before competing
6 in women’s sports do not create a level playing field; and

7 WHEREAS, That article concluded that the reduction in
8 testosterone levels required by policies like those of the
9 International Olympic Committee “is insufficient to remove or
10 reduce the male advantage, in terms of muscle mass and strength, by
11 any meaningful degree”; and

12 WHEREAS, That article concluded “that superior anthropometric,
13 muscle mass and strength parameters achieved by males at puberty,
14 and underpinning a considerable portion of the male performance
15 advantage over females, are not removed by the current regimen of
16 testosterone suppression” permitted by the International Olympic
17 Committee and other sports organizations; and

18 WHEREAS, That article instead found that “male performance
19 advantage remains substantial” and “raises obvious concerns about
20 fair and safe competition”; and

21 WHEREAS, Having separate sex-specific teams furthers efforts to
22 promote equality between the sexes by providing opportunities for
23 female athletes to demonstrate their skill, strength and athletic
24 abilities while also providing them with opportunities to obtain
25 recognition, accolades, college scholarships and the numerous other
26 long-term benefits that flow from success in athletic endeavors; and

27 WHEREAS, If males were permitted to compete in female sports,
28 the risk of injury to females would be increased by the ability of a
29 biological male to exert greater force, strength and power, and also
30 by females’ reduced ability to receive or tolerate that force; and

31 WHEREAS, Separating participants in contact sports based on
32 biological sex promotes the safety of female athletes by protecting
33 them from predictable and preventable injuries caused by male
34 athletes; now, therefore,

35
36 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
37 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
38

39 **Section 1.** Chapter 385B of NRS is hereby amended by adding
40 thereto the provisions set forth as sections 2 to 7, inclusive, of this
41 act.

42 **Sec. 2.** *As used in sections 2 to 7, inclusive, of this act, unless*
43 *the context otherwise requires, the words and terms defined in*
44 *sections 3 and 4 of this act have the meanings ascribed to them in*
45 *those sections.*



1 **Sec. 3.** *“Private school” has the meaning ascribed to it in*
2 *NRS 394.103.*

3 **Sec. 4.** *“Sex” means the biological sex of a natural person,*
4 *either male or female, as observed or clinically verified at birth.*

5 **Sec. 5. 1.** *A public school or a private school whose pupils*
6 *compete against a public school shall expressly designate each*
7 *interscholastic or intramural athletic team or sport that is*
8 *sponsored by the school as one of the following, based on sex:*

- 9 (a) *“Males,” “men” or “boys”;*
10 (b) *“Females,” “women” or “girls”;* or
11 (c) *“Coed” or “mixed.”*

12 **2.** *An athletic team or sport that is designated for:*

13 (a) *“Females,” “women” or “girls” pursuant to subsection 1*
14 *must not be open to pupils of the male sex.*

15 (b) *“Males,” “men” or “boys” pursuant to subsection 1 must*
16 *not be open to pupils of the female sex.*

17 **3.** *If pupils of the male and the female sex participate*
18 *together in an interscholastic or intramural athletic team or sport,*
19 *the team or sport must be designated as “coed” or “mixed.”*

20 **Sec. 6. 1.** *The designation of an interscholastic or*
21 *intramural athletic team or sport based on sex, the exclusion of a*
22 *member of the male sex from a team or sport designated for*
23 *females or the exclusion of a member of the female sex from a*
24 *team or sport designated for males pursuant to section 5 of this act*
25 *does not constitute discrimination on the basis of sex or gender*
26 *identity or expression for the purposes of any state statute or local*
27 *ordinance.*

28 **2.** *A governmental entity, a licensing or accrediting*
29 *organization or any athletic association or organization shall not*
30 *entertain a complaint, open an investigation or take any other*
31 *adverse action against a public school, a private school, a school*
32 *district or the Association for maintaining separate interscholastic*
33 *or intramural athletic teams or sports for pupils of the female sex*
34 *or the male sex.*

35 **Sec. 7. 1.** *Notwithstanding any provision of NRS 41.0305 to*
36 *41.039, inclusive, but subject to the limitation on damages set*
37 *forth in NRS 41.035, when applicable:*

38 (a) *A pupil who is deprived of an athletic opportunity or*
39 *suffers any direct or indirect harm as a result of a school*
40 *knowingly violating sections 2 to 7, inclusive, of this act may bring*
41 *an action against the school for injunctive relief, damages and any*
42 *other relief available under law.*

43 (b) *A pupil who is subject to retaliation or other adverse action*
44 *by a school or athletic association or organization as a result of*
45 *reporting a violation of sections 2 to 7, inclusive, of this act to an*



1 *employee or representative of the school or athletic association or*
2 *organization or to any state or federal agency with oversight of*
3 *schools in this State may bring an action against the school or*
4 *athletic association or organization for injunctive relief, damages*
5 *and any other relief available under law.*

6 (c) *A school that suffers any direct or indirect harm as a result*
7 *of a violation of sections 2 to 7, inclusive, of this act by a*
8 *governmental entity, licensing or accrediting organization or*
9 *athletic association or organization may bring an action for*
10 *injunctive relief, damages and any other relief available under*
11 *law.*

12 2. *A civil action brought pursuant to subsection 1 must be*
13 *initiated within 2 years after the harm occurred. A person or*
14 *organization who prevails on a claim brought pursuant to this*
15 *section is entitled to monetary damages, including, without*
16 *limitation, for any psychological, emotional and physical harm*
17 *suffered, reasonable attorney's fees and costs and any other*
18 *appropriate relief.*

19 **Sec. 8.** Chapter 398 of NRS is hereby amended by adding
20 thereto the provisions set forth as sections 9 to 12, inclusive, of this
21 act.

22 **Sec. 9.** *As used in sections 9 to 12, inclusive, of this act,*
23 *unless the context otherwise requires, "sex" means the biological*
24 *sex of a natural person, either male or female, as observed or*
25 *clinically verified at birth.*

26 **Sec. 10.** 1. *A public institution or a private institution*
27 *whose teams compete against a public institution shall expressly*
28 *designate each interscholastic or intramural athletic team or sport*
29 *that is sponsored by the institution as one of the following, based*
30 *on sex:*

- 31 (a) *"Males," "men" or "boys";*
32 (b) *"Females," "women" or "girls"; or*
33 (c) *"Coed" or "mixed."*

34 2. *An athletic team or sport that is designated for:*

35 (a) *"Females," "women" or "girls" pursuant to subsection 1*
36 *must not be open to students of the male sex.*

37 (b) *"Males," "men" or "boys" pursuant to subsection 1 must*
38 *not be open to students of the female sex.*

39 3. *If students of the male and the female sex participate*
40 *together in any interscholastic or intramural athletic team or*
41 *sport, the team or sport must be designated as "coed" or "mixed."*

42 **Sec. 11.** 1. *The designation of an interscholastic or*
43 *intramural athletic team or sport based on sex, the exclusion of a*
44 *member of the male sex from a team or sport designated for*
45 *females or the exclusion of a member of the female sex from a*



1 *team or sport designated for males pursuant to section 10 of this*
2 *act does not constitute discrimination on the basis of sex or gender*
3 *identity or expression for any purpose under state or local law.*

4 *2. A governmental entity, a licensing or accrediting*
5 *organization or any athletic association or organization shall not*
6 *entertain a complaint, open an investigation or take any other*
7 *adverse action against an institution for maintaining separate*
8 *interscholastic or intramural athletic teams or sports for students*
9 *of the female sex or the male sex.*

10 **Sec. 12. 1. Notwithstanding any provision of NRS 41.0305**
11 **to 41.039, inclusive, but subject to the limitation on damages set**
12 **forth in NRS 41.035, when applicable:**

13 *(a) A student who is deprived of an athletic opportunity or*
14 *suffers any direct or indirect harm as a result of an institution*
15 *knowingly violating sections 9 to 12, inclusive, of this act may*
16 *bring an action against the institution for injunctive relief,*
17 *damages and any other relief available under law.*

18 *(b) A student who is subject to retaliation or other adverse*
19 *action by an institution or athletic association or organization as a*
20 *result of reporting a violation of sections 9 to 12, inclusive, of this*
21 *act to an employee or representative of the institution or athletic*
22 *association or organization or to any state or federal agency with*
23 *oversight of institutions in this State may bring an action against*
24 *the institution or athletic association or organization for injunctive*
25 *relief, damages and any other relief available under law.*

26 *(c) An institution that suffers any direct or indirect harm as a*
27 *result of a violation of sections 9 to 12, inclusive, of this act by a*
28 *governmental entity, licensing or accrediting organization or*
29 *athletic association or organization may bring an action for*
30 *injunctive relief, damages and any other relief available under*
31 *law.*

32 *2. A civil action brought pursuant to subsection 1 must be*
33 *initiated within 2 years after the harm occurred. A person or*
34 *organization who prevails on a claim brought pursuant to this*
35 *section is entitled to monetary damages, including, without*
36 *limitation, for any psychological, emotional and physical harm*
37 *suffered, reasonable attorney's fees and costs and any other*
38 *appropriate relief.*

39 **Sec. 13. This act becomes effective on July 1, 2025.**



