

164.2813 Postsecondary education institution -- Designation of teams -- Eligibility to play.

- (1) (a) A public postsecondary education institution or private postsecondary education institution that is a member of a national intercollegiate athletic association shall designate all intercollegiate and intramural athletic teams, activities, sports, and events that are sponsored or authorized by the institution as one (1) of the following categories:
 1. "Men's";
 2. "Coed"; or
 3. "Women's."
- (b)
 1. A public postsecondary education institution or private postsecondary education institution that is a member of a national intercollegiate athletic association shall prohibit a member of the male sex from competing in any intercollegiate or intramural athletic team, activity, sport, or event designated as "women's."
 2. Nothing in this section shall be construed to restrict the eligibility of any student to participate in an athletic activity or sport designated as "men's" or "coed."
- (2) The sex of a student for the purpose of determining eligibility to participate in an athletic activity or sport or to use an athletic facility designated for the exclusive use of a single sex shall be determined by:
 - (a) A student's biological sex as indicated on the student's original, unedited birth certificate issued at the time of birth; or
 - (b) An affidavit signed and sworn to by a physician, physician assistant, advanced practice registered nurse, or chiropractor under penalty of perjury establishing the student's biological sex at the time of birth.
- (3) A government entity, licensing or accrediting organization, or athletic association or organization shall not entertain a complaint, open an investigation, or take any other adverse action against a postsecondary education institution for maintaining a separate interscholastic or intramural athletic team, activity, sport, or event for members of the female sex.

Effective: July 14, 2022

History: Created 2022 Ky. Acts ch. 198, sec. 2, effective July 14, 2022.

Legislative Research Commission Note (7/14/2022). 2022 Ky. Acts ch. 198, sec. 3, provides that the Act, which contains this statute and KRS 156.070, may be cited as the Fairness in Women's Sports Act.