

STATE OF KANSAS



CAPITOL BUILDING, ROOM 241 SOUTH
TOPEKA, KS 66612

PHONE: (785) 296-3232
GOVERNOR.KANSAS.GOV

GOVERNOR LAURA KELLY

MESSAGE FROM THE GOVERNOR

REGARDING VETO OF SENATE BILL 160

Both Republican and Democratic Governors have joined me in vetoing similar divisive bills for the same reasons: it's harmful to students and their families and it's bad for business.

We all want a fair and safe place for our kids to play and compete. However, this bill didn't come from the experts at our schools, our athletes, or the Kansas State High School Activities Association. It came from politicians trying to score political points.

This bill would also undoubtedly harm our ability to attract and retain businesses. It would send a signal to prospective companies that Kansas is more focused on unnecessary and divisive legislation than strategic, pro-growth lawmaking.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto Senate Bill 160.

THE GOVERNOR'S OFFICE

BY THE GOVERNOR

A handwritten signature in blue ink, appearing to read "Laura Kelly", written over a horizontal line.

DATED

A handwritten date in blue ink, "April 15, 2022", written over a horizontal line.

SENATE BILL No. 160

AN ACT concerning education; relating to student athletes; enacting the fairness in women's sports act; restricting participation on women's teams to female students; providing a cause of action for violations.

Be it enacted by the Legislature of the State of Kansas:

Section 1. The provisions of sections 1 through 5, and amendments thereto, shall be known and may be cited as the fairness in women's sports act.

Sec. 2. (a) Interscholastic, intercollegiate, intramural or club athletic teams or sports that are sponsored by a public elementary or secondary school, a postsecondary educational institution, as such term is defined in K.S.A. 74-3201b, and amendments thereto, or any school or other postsecondary educational institution whose students or teams compete against a public school or postsecondary educational institution shall be expressly designated as one of the following based on biological sex:

- (1) Males, men or boys;
- (2) females, women or girls; or
- (3) coed or mixed.

(b) Athletic teams or sports designated for females, women or girls shall not be open to students of the male sex.

(c) (1) The Kansas state high school activities association shall adopt rules and regulations for its member schools for the implementation of this section.

(2) The state board of regents and the governing body for each municipal university, community college and technical college shall adopt rules and regulations for the postsecondary educational institutions governed by each such entity, respectively, for the implementation of this section.

Sec. 3. No governmental entity, licensing or accrediting organization or athletic association or organization shall entertain a complaint, open an investigation or take any other adverse action against a school or postsecondary educational institution for maintaining separate interscholastic, intercollegiate, intramural or club athletic teams or sports for students of the female sex.

Sec. 4. (a) Any student who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a violation of section 2, and amendments thereto, shall have a private cause of action for injunctive relief, damages and any other relief available under law against the school or postsecondary educational institution.

(b) Any student who is subject to retaliation or other adverse action by a school, postsecondary educational institution or athletic association or organization as a result of reporting a violation of section 2, and amendments thereto, to an employee or representative of such school, postsecondary educational institution or athletic association or organization, or to any state or federal agency with oversight of schools or postsecondary educational institutions in this state, shall have a private cause of action for injunctive relief, damages and any other relief available under law against the school, institution or athletic association or organization.

(c) Any school or postsecondary educational institution that suffers any direct or indirect harm as a result of a violation of section 2 or 3, and amendments thereto, shall have a private cause of action for injunctive relief, damages and any other relief available under law against the governmental entity, licensing or accrediting organization or athletic association or organization.

(d) All civil actions shall be initiated within two years after the harm occurred. Persons or organizations who prevail on a claim brought pursuant to this section shall be entitled to monetary damages, including for any psychological, emotional and physical harm suffered, reasonable

attorney fees and costs and any other appropriate relief.

Sec. 5. The provisions of sections 1 through 4, and amendments thereto, are hereby declared to be severable. If any provision of sections 1 through 4, and amendments thereto, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of sections 1 through 4, and amendments thereto, that can be given effect without the invalid provision or application.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the
SENATE, and passed that body

SENATE adopted

Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE

as amended _____

HOUSE adopted

Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.