

BILL M _____ – 2024

FAIRNESS IN WOMEN’S AND GIRLS’ SPORTS ACT

Contents

- 1 Definitions
- 2 Classification by sex
- 3 Sex-segregated participation
- 4 Exception
- 5 Biological sex
- 6 Non-retaliation
- 7 Legal proceedings
- 8 Void
- 9 *Offence Act* does not apply
- 10 Regulations
- 11 Commencement

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Definitions

1 In this Act,

“designated sports organization” means

- (a) a public school as defined in the *School Act*,
- (b) a public educational institution,
- (c) a community or provincial sports organization that receives money directly or indirectly from taxes or from the consolidated revenue fund, or
- (d) an organization or body designated by regulation;

“sporting team or event” means a sports or athletic

- (a) team, or
- (b) event or tournament.

Classification by sex

- 2 A designated sports organization must classify a sporting team or event as
- (a) females only,
 - (b) males only, or
 - (c) co-ed or mixed, including both females and males.

Sex-segregated participation

- 3 Participation in a sporting team or event must be limited to individuals of the biological sex that corresponds to the sex classification of the sporting team or event.

Exception

- 4 Despite section 3, a female may participate in a sporting team or event that is classified as males only.

Biological sex

- 5 (1) For the purposes of this Act, an individual's biological sex is deemed to be the female or male sex that is
- (a) displayed on the individual's birth registration,
 - (b) displayed on the individual's birth certificate if the sex displayed on the birth certificate is the same as the sex displayed on the individual's birth registration,
 - (c) displayed on the individual's government-issued identification showing the individual's photograph and date of birth if the sex displayed on the identification is the same as the sex displayed on the individual's birth registration, or
 - (d) stated in a statutory declaration made by,
 - (i) if the individual is a minor, the individual's parent or guardian, or
 - (ii) at the request of the individual, the individual's physician who has knowledge of the individual's biological sex at birth.
- (2) A designated sports organization may require proof of an individual's biological sex to participate in a sporting team or event.

Non-retaliation

- 6 A designated sports organization must not take or allow retaliation against a person as a result of the person reporting a contravention of this Act to an employee or representative of the designated sports organization or to any provincial or national authority with oversight of the designated sports organization.

Legal proceedings

- 7 Any person who suffers a direct or indirect harm as a result of a contravention of this Act by a designated sports organization may

- (a) commence an action for damages,
- (b) apply for a declaration that the designated sports organization is contravening this Act, or
- (c) apply for an interim or permanent injunction restraining the designated sports organization from contravening this Act.

Void

- 8** (1) Any recognition of achievement by the grant or issue of a certificate, citation or award of merit to a male is void to the extent that the participation of a male is in contravention of section 3.
- (2) A recognition of achievement that is void under subsection (1) must be struck from
- (a) the records of the relevant designated sports organization, and
 - (b) the public record.
- (3) This section is retroactive to the extent necessary to give full force and effect to its provisions and must not be construed as lacking retroactive effect in relation to any matter merely because it makes no specific reference to that matter.

Offence Act does not apply

- 9** Section 5 of the *Offence Act* does not apply to this Act or the regulations.

Regulations

- 10** (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations defining “designated sports organization” for the purposes of section 1.

Commencement

- 11** This Act comes into force on the date that is one year after the date of Royal Assent.