



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4027

Introduced 3/19/2025, by Rep. Tom Weber

SYNOPSIS AS INTRODUCED:

105 ILCS 25/1.30 new

Amends the Interscholastic Athletic Organization Act. Provides that a public school or public postsecondary educational institution that offers, operates, or sponsors interscholastic or intercollegiate athletics shall provide equal athletic opportunities for members of both sexes. Provides that a school may operate or sponsor single-sex teams if the selection for such teams is based upon competitive skill or the activity involved is a contact sport. Provides that a school that participates in competitions or athletic events with or against other schools shall designate each team, competition, or athletic event as (i) for males, men, or boys; (ii) for females, women, or girls; or (iii) coeducational or mixed. Provides that a school or athletic association that is participating in a competition or an athletic event with or against another school that operates, sponsors, or permits athletic events or competitions may not allow any male to compete for, against, or with a team designated for females, women, or girls. Provides that a school or athletic association that operates, sponsors, or permits athletic events or competitions may not allow certain actions. Provides that a governmental entity, licensing or accrediting organization, athletic association, or school may not consider a complaint, open an investigation, or take adverse action against a school for complying with the amendatory provisions. Provides for private causes of action. Makes other changes.

LRB104 12725 LNS 23679 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. This Act may be referred to as the Riley Gaines
5 Act.

6 Section 5. Findings. The General Assembly makes all of the
7 following findings:

8 (1) The term "sex" refers to an individual's
9 biological sex, either male or female. An individual's sex
10 can be observed or clinically verified at or before birth,
11 and in no case is an individual's sex determined by
12 stipulation or self-identification.

13 (2) With respect to sex, the term "equal" does not
14 mean same or identical.

15 (3) With respect to sex, separate accommodations are
16 not inherently unequal.

17 (4) An individual born with a medically verifiable
18 diagnosis of disorder or differences in sex development
19 shall be provided any available legal protections and
20 accommodations afforded under the federal Americans with
21 Disabilities Act of 1990 and any applicable State law.

22 (5) Laws and rules that distinguish between the sexes
23 are subject to intermediate constitutional scrutiny.

1 Intermediate constitutional scrutiny forbids unfair
2 discrimination against similarly situated male and female
3 individuals but allows the law to distinguish between the
4 sexes if such distinctions are substantially related to an
5 important government objective.

6 (6) Notwithstanding any provisions of State law to the
7 contrary, distinctions between the sexes with respect to
8 athletics that result in separate accommodations are
9 substantially related to the important governmental
10 objectives of protecting the health, safety, and privacy
11 of individuals in such circumstances.

12 Section 15. The Interscholastic Athletic Organization Act
13 is amended by adding Section 1.30 as follows:

14 (105 ILCS 25/1.30 new)

15 Sec. 1.30. Equal opportunities for both sexes; single-sex
16 teams.

17 (a) As used in this Section:

18 "Athletic association" means any governing body for an
19 athletic competition or sport or any organization of athletic
20 conferences.

21 "Athletic event" means any contest, game, jamboree,
22 scrimmage, tournament, showcase, or tryout related to a sport
23 or physical activity.

24 "Competition" means an athletic event after which (i) a

1 team or individual is designated as a winner, (ii) roster
2 spots are determined, or (iii) prizes are awarded.

3 "Female" means an individual who has, had, or will have
4 the reproductive system capable of the generation, migration,
5 and utilization of eggs for fertilization or would have such
6 capabilities but for a developmental or genetic anomaly or
7 historical accident.

8 "Male" means an individual who has, had, or will have the
9 reproductive system capable of the generation, migration, and
10 utilization of sperm for fertilization or would have such
11 capabilities but for a developmental or genetic anomaly or
12 historical accident.

13 "Participant" means a student who is participating in an
14 athletic event.

15 "Sex" means an individual's biological sex, either male or
16 female, that can be observed or clinically verified at or
17 before birth and is not determined by stipulation or
18 self-identification.

19 "School" means a public school or public postsecondary
20 educational institution.

21 "Team" means any individual or group of people who compete
22 in athletic events for the same organization, school, club, or
23 cause.

24 (b) A school that offers, operates, or sponsors
25 interscholastic or intercollegiate athletics shall provide
26 equal athletic opportunities for members of both sexes.

1 (c) A school may operate or sponsor single-sex teams if
2 the selection for such teams is based upon competitive skill
3 or the activity involved is a contact sport.

4 (d) A school that participates in competitions or athletic
5 events with or against other schools shall designate each
6 team, competition, or athletic event as one of the following
7 categories:

8 (1) for males, men, or boys;

9 (2) for females, women, or girls; or

10 (3) coeducational or mixed.

11 (e) A school or athletic association that is participating
12 in a competition or an athletic event with or against another
13 school that operates, sponsors, or permits athletic events or
14 competitions may not allow any male to compete for, against,
15 or with a team designated for females, women, or girls.

16 (f) A school or athletic association that operates,
17 sponsors, or permits athletic events or competitions may not
18 allow the following:

19 (1) any male to occupy a roster spot on any team
20 designated for females, women, or girls; or

21 (2) any male to receive a scholarship designated for
22 female athletes.

23 (g) The biological sex listed on a participant's birth
24 certificate may be relied on to establish the participant's
25 eligibility for athletic activities under this Section if the
26 sex designated on the birth certificate was designated at or

1 near the time of the participant's birth.

2 (h) Nothing in this Section may be construed to authorize
3 a school or athletic association to verify or confirm a
4 participant's sex through visual inspection of a participant's
5 external sex organs for purposes of participation in athletic
6 events. This subsection (h) does not prohibit reliance on
7 medical records or other standard, school medical procedures
8 for verification.

9 (i) Nothing in this Section prohibits a school or athletic
10 association from allowing males to practice or train with
11 teams designated for females, women, or girls if the male
12 players do not take a roster spot, an opportunity to compete, a
13 scholarship, or a spot at the school from any female.

14 (j) A governmental entity, licensing or accrediting
15 organization, athletic association, or school may not consider
16 a complaint, open an investigation, or take adverse action
17 against a school for complying with this Section.

18 (k) An individual who is deprived of an athletic
19 opportunity or who suffers or will suffer direct or indirect
20 harm resulting from a violation of this Section may bring a
21 private cause of action for injunctive relief, compensatory
22 damages, and attorney's fees against the violating entity.

23 (l) A school or athletic association that suffers or will
24 suffer direct or indirect harm as a result of a violation of
25 this Section may bring a private cause of action against the
26 violating entity for injunctive relief and compensatory

1 damages.

2 (m) An individual or team subjected to retaliation or
3 other adverse actions as a result of reporting a violation of
4 this Section to an employee or representative of a school or
5 athletic association or a State or federal governmental entity
6 with oversight authority may bring a private cause of action
7 against the retaliating entity for injunctive relief, damages,
8 and any other available relief.

9 (n) An action brought under this Section shall be
10 commenced within one year after the event giving rise to the
11 complaint.