

\_\_\_\_\_ offers the following  
substitute to HB 267:

A BILL TO BE ENTITLED

AN ACT

1 To amend various titles of the Official Code of Georgia Annotated so as to provide for  
2 separate restroom and changing areas for males and females in schools; to provide for  
3 sleeping arrangements on school trips to be made according to sex; to provide for rules and  
4 regulations; to provide for noncompliance; to provide for private causes of action; to provide  
5 for exceptions; to provide for certain athletic activities to be designated as either for males,  
6 females, or co-educational; to prohibit males from participating in certain athletic activities  
7 designated as being for females; to provide for a method to determine sex; to provide for  
8 schools to be protected from complaints for compliance with statutes; to provide for  
9 definitions throughout the Official Code of Georgia Annotated of certain terms relating to  
10 sex; to provide for legislative findings on the importance of certain distinctions between the  
11 sexes; to require any collector of vital statistics throughout this state to identify each  
12 individual as either male or female; to replace the term "gender" throughout the Code with  
13 "sex"; to provide for definitions; to provide for conforming changes; to provide for a short  
14 title; to provide for related matters; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**PART I**  
**SECTION 1-1.**

This Act shall be known and may be cited as the "Riley Gaines Act."

**PART II**  
**SECTION 2-1.**

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the health of elementary and secondary school students, by adding a new Code section to read as follows:

"20-2-771.3.

(a) As used in this Code section, the term:

(1) 'Athletic event' means any interscholastic or intramural contest, game, jamboree, scrimmage, tournament, showcase, combine, or tryout related to a sport or physical activity.

(2) 'Female' means an individual who has, had, or will have the reproductive system capable of the generation, migration, and utilization of eggs for fertilization, or would have such capabilities but for a developmental or genetic anomaly or historical accident.

(3) 'Male' means an individual who has, had, or will have the reproductive system capable of the generation, migration, and utilization of sperm for fertilization, or would have such capabilities but for a developmental or genetic anomaly or historical accident.

(4) 'Multiple occupancy restroom or changing area' means an area in a public school or local school system building that is designed or designated for use by student athletes during athletic events, to be used by one or more individuals at the same time, and in which one or more individuals may be in various stages of undress in the presence of

other individuals. Such term includes, but shall not be limited to, the following during athletic events:

(A) Restrooms;

(B) Locker rooms;

(C) Changing rooms; and

(D) Shower rooms.

(5) 'Sex' means an individual's biological sex, either male or female. An individual's sex can be observed or clinically verified at or before birth and in no case is an individual's sex determined by stipulation or self-identification.

(b) To ensure the privacy and safety of students, each public school or local school system in this state shall:

(1) Require each multiple occupancy restroom or changing area to be designated as follows:

(A) For the exclusive use by individuals whose sex is male; or

(B) For the exclusive use by individuals whose sex is female; and

(2)(A) Provide a reasonable accommodation to an individual who is unwilling or unable to use a multiple occupancy restroom or changing area designated for such individual's sex.

(B)(i) A reasonable accommodation under this paragraph shall include, but shall not be limited to, allowing such individual to access a single-occupancy restroom or changing area.

(ii) A reasonable accommodation under this paragraph shall not include allowing such individual to access a restroom or changing area that is designated for use by members of the opposite sex while members of the sex opposite to such individual are present or may be present in the restroom or changing area.

(c) This Code section shall not be construed or applied to prohibit an individual from entering a multiple occupancy restroom or changing area designated for use by individuals of the opposite sex when he or she enters such area for one of the following reasons:

(1) For authorized custodial, maintenance, or inspection purposes;

(2) To render emergency medical assistance;

(3) To address an ongoing emergency, including, but not limited to, a physical altercation; or

(4) A minor child is accompanied by his or her parent or legal guardian who deems such entry necessary for the child's safety, welfare, or assistance.

(d) Nothing in this Code section shall be construed or applied to prohibit a public school or local school system from adopting a policy that is necessary to accommodate individuals protected under the federal Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq., as it existed on January 1, 2025, or young children who are in need of physical assistance when using a restroom or changing facility that is located in a public school or local school system; provided, however, that such policy shall not be contrary to or inconsistent with the provisions of subsections (a) through (c) of this Code section.

(e)(1) Except as provided in paragraph (2) of this subsection, a public school or local school system that sponsors or supervises an overnight trip in conjunction with an athletic event involving public school students shall ensure that a public school student attending the overnight trip either:

(A) Shares sleeping quarters with a member or, if necessary, multiple members, of the same sex; or

(B) Is provided single-occupancy sleeping quarters.

(2) A public school student attending an overnight trip in conjunction with an athletic event may share sleeping quarters with a member of the opposite sex if the member of the opposite sex is a member of such student's immediate family.

91 (f)(1) The Professional Standards Commission shall be authorized as provided in  
92 subsection (a) of Code Section 20-2-984.3 to investigate complaints alleging  
93 noncompliance with this Code section.

94 (2) Upon a finding of noncompliance with this Code section by the Professional  
95 Standards Commission, such noncompliant individual shall be subject to sanctions as  
96 determined by the Professional Standards Commission, as provided for in Code  
97 Section 20-2-984.5.

98 (g) A parent or legal guardian of a public school student shall have a cause of action  
99 against a public school or local school system if:

100 (1) Such student:

101 (A) Encounters a member of the opposite sex in a multiple occupancy restroom or  
102 changing area that is designated for individuals whose sex is the same as such student's  
103 sex if such member of the opposite sex received permission or direction from an  
104 official, employee, or agent of a public school or local school system to use such  
105 multiple occupancy restroom or changing area, except as provided in subsection (c) of  
106 this Code section; or

107 (B) Is required by an official, employee, or agent of a public school or local school  
108 system to share sleeping quarters with a member of the opposite sex who is not a family  
109 member of such student; or

110 (2) An official, employee, or agent of a public school or local school system is found to  
111 be noncompliant under subsection (f) of this Code section arising out of or related to an  
112 incident involving such student.

113 (h) The State Board of Education and the Professional Standards Commission shall  
114 promulgate rules and regulations to implement this Code section."

**SECTION 2-2.**

Said title is further amended in Article 1 of Chapter 3, relating to postsecondary education generally, by adding a new part to read as follows:

"Part 320-3-15.

As used in this part, the term:

(1) 'Athletic event' means any intercollegiate or intramural contest, game, jamboree, scrimmage, tournament, showcase, combine, or tryout related to a sport or physical activity.

(2) 'Female' means an individual who has, had, or will have the reproductive system capable of the generation, migration, and utilization of eggs for fertilization, or would have such capabilities but for a developmental or genetic anomaly or historical accident.

(3) 'Male' means an individual who has, had, or will have the reproductive system capable of the generation, migration, and utilization of sperm for fertilization, or would have such capabilities but for a developmental or genetic anomaly or historical accident.

(4) 'Multiple occupancy restroom or changing area' means an area in a building that is owned, occupied, or leased by a postsecondary education institution that is designed or designated for use by student athletes during athletic events, to be used by one or more individuals at the same time, and in which one or more individuals may be in various stages of undress in the presence of other individuals. Such term includes, but shall not be limited to, the following during athletic events:

(A) Restrooms;

(B) Locker rooms;

(C) Changing rooms; and

(D) Shower rooms.

(5) 'Postsecondary education institution' means a school which is:

(A) A unit of the University System of Georgia;

(B) A unit of the Technical College System of Georgia; or

(C) A private postsecondary institution eligible for tuition equalization grants in accordance with the provisions of Code Section 20-3-411.

(6) 'Sex' means an individual's biological sex, either male or female. An individual's sex can be observed or clinically verified at or before birth and in no case is an individual's sex determined by stipulation or self-identification.

20-3-16.

(a) To ensure the privacy and safety of students, each postsecondary education institution in this state shall:

(1) Require each multiple occupancy restroom or changing area to be designated as follows:

(A) For the exclusive use by individuals whose sex is male; or

(B) For the exclusive use by individuals whose sex is female; and

(2)(A) Provide a reasonable accommodation to an individual who is unwilling or unable to use a multiple occupancy restroom or changing area designated for such individual's sex.

(B)(i) A reasonable accommodation under this paragraph shall include, but shall not be limited to, allowing such individual to access a single-occupancy restroom or changing area.

(ii) A reasonable accommodation under this paragraph shall not include allowing such individual to access a restroom or changing area that is designated for use by members of the opposite sex while members of the sex opposite to such individual are present or may be present in the restroom or changing area.

(b) This Code section shall not be construed or applied to prohibit an individual from entering a multiple occupancy restroom or changing area designated for use by individuals of the opposite sex when he or she enters such area for one of the following reasons:

(1) For authorized custodial, maintenance, or inspection purposes;

(2) To render emergency medical assistance;

(3) To address an ongoing emergency, including, but not limited to, a physical altercation; or

(4) A minor child is accompanied by his or her parent or legal guardian who deems such entry necessary for the child's safety, welfare, or assistance.

(c) Nothing in this Code section shall be construed or applied to prohibit a postsecondary education institution from adopting a policy that is necessary to accommodate individuals protected under the federal Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq., as it existed on January 1, 2025, or young children who are in need of physical assistance when using a restroom or changing facility that is located in a building owned, occupied, or leased by a postsecondary education institution; provided, however, that such policy shall not be contrary to or inconsistent with the provisions of subsections (a) and (b) of this Code section.

(d)(1) Except as provided in paragraph (2) of this subsection, a postsecondary education institution that sponsors or supervises an overnight trip in conjunction with an athletic event involving students shall ensure that a student attending the overnight trip either:

(A) Shares sleeping quarters with a member or, if necessary, multiple members, of the same sex; or

(B) Is provided single-occupancy sleeping quarters.

(2) A student attending an overnight trip in conjunction with an athletic event may share sleeping quarters with a member of the opposite sex if the member of the opposite sex is a member of such student's immediate family.



(e) A student or the parent or legal guardian of a student who has not reached the age of majority shall have a cause of action against a postsecondary education institution if such student:

(1) Encounters a member of the opposite sex in a multiple occupancy restroom or changing area that is designated for individuals whose sex is the same as such student's sex, except as provided in subsection (c) of this Code section; or

(2) Is required to share sleeping quarters with a member of the opposite sex who is not a family member of such student.

(f) The Board of Regents and the State Board of the Technical College System of Georgia shall promulgate rules and regulations to implement this Code section as applicable to the University System of Georgia and the Technical College System of Georgia, respectively."

### **PART III**

#### **SECTION 3-1.**

Said title is further amended in Chapter 1, relating to general provisions of education, by adding a new article to read as follows:

#### "ARTICLE 5

20-1-50.

As used in this article, the term:

(1) 'Athletic association' means any governing body for athletic competition or sport or any organization of athletic conferences.

(2) 'Athletic event' means any contest, game, jamboree, scrimmage, tournament, showcase, combine, or tryout related to a sport or physical activity.

(3) 'Competition' means an athletic event after which any team or individual is designated as a winner, roster spots are determined, or prizes are awarded.

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

(5) 'Male' means an individual who has, had, or will have the reproductive system capable of the generation, migration, and utilization of sperm for fertilization, or would have such capabilities but for a developmental or genetic anomaly or historical accident.

(6) 'Participant' means a student who is participating in an athletic event.

(7) 'Sex' means an individual's biological sex, either male or female. An individual's sex can be observed or clinically verified at or before birth and in no case is an individual's sex determined by stipulation or self-identification.

(8) 'Team' means any individual or group of people who compete in athletic events for the same organization, school, club, college, university, or cause.

20-1-51.

Any public school, local school system, or postsecondary education institution that offers, operates, or sponsors interscholastic or intercollegiate athletics shall provide equal athletic opportunities for members of both sexes.

20-1-52.

Notwithstanding the requirements of Code Section 20-1-51, a public school, local school system, or postsecondary education institution located in Georgia may operate or sponsor single-sex teams where selection for such teams is based upon competitive skill or the activity involved is a contact sport.

20-1-53.

All public schools, local school systems, and postsecondary education institutions that are participating in competitions or athletic events with or against public schools, local school systems, or postsecondary education institutions must designate each team, competition, or athletic event as:

- (1) For males, men, or boys;
- (2) For females, women, or girls; or
- (3) Co-educational or mixed sex.

20-1-54.

(a) No public school, local school system, postsecondary education institution, or athletic association that is participating in a competition or athletic event with or against a public school, local school system, or postsecondary education institution that operates, sponsors, or permits athletic events or competitions may allow any male to compete for, against, or with a team designated for females, women, or girls.

(b) A public school, local school system, postsecondary education institution, or athletic association that operates, sponsors, or permits athletic events or competitions may not:

- (1) Allow any male to occupy a roster spot on any team designated for females, women, or girls; or
- (2) Allow any male to receive a scholarship designated for female athletes.

(c) The biological sex listed on a participant's birth certificate may be relied on to establish the participant's eligibility under this Code section if the sex designated on the birth certificate was designated at or near the time of the participant's birth.

(d) Nothing in this article shall be construed to authorize a public school, local school system, postsecondary education institution, or athletic association to verify or confirm a student's sex through visual inspection of such student's external sex organs for purposes of participation in athletic events; provided, however, that this subsection shall not prohibit

reliance on medical records or other standard school medical procedures for such verification.

20-1-55.

Nothing in this article shall prohibit a public school, local school system, postsecondary education institution, or athletic association from allowing males to practice or train with teams designated for females, women, or girls, so long as no such male player takes a roster spot, opportunity to compete, scholarship, or spot at the school from any female.

20-1-56.

No governmental entity, licensing or accrediting organization, athletic association, public school, or local school system may consider a complaint, open an investigation, or take adverse action against a public school or local school system for complying with this article.

20-1-57.

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

(b) Any public school, local school system, or athletic association that suffers or will suffer direct or indirect harm as a result of a violation of this statute may bring a private cause of action against the violating entity for injunctive relief and compensatory damages.

(c) Any individual or team subjected to retaliation or other adverse action as a result of reporting a violation of this statute to an employee or representative of a public school, local school system, postsecondary education institution, or athletic association or subjected to retaliation or other adverse action as a result of reporting a violation of this article to the

state or federal government entity with oversight authority, may bring a private cause of action against the retaliating entity for injunctive relief, damages, and any other relief available under law.

(d) An action brought under this Code section must be commenced within one year of the event giving rise to the complaint."

## **PART IV**

### **SECTION 4-1.**

Title 1 of the Official Code of Georgia Annotated, relating to general provisions, is amended in Chapter 2, relating to persons and their rights, by adding a new Code section to read as follows:

"1-2-7.1.

(a) The General Assembly finds the following with respect to the application of an individual's sex pursuant to any state law or rules and regulations:

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

(2) With respect to sex, the term 'equal' does not mean same or identical;

(3) With respect to sex, separate accommodations are not inherently unequal;

(4) An individual born with a medically verifiable diagnosis of disorder or differences in sex development shall be provided any available legal protections and accommodations afforded under the federal Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq., and any applicable state law;

(5) Laws, rules, and regulations that distinguish between the sexes are subject to intermediate constitutional scrutiny. Intermediate constitutional scrutiny forbids unfair discrimination against similarly situated male and female individuals but allows the law

to distinguish between the sexes where such distinctions are substantially related to important governmental objections; and

(6) Notwithstanding any provision of state law to the contrary, distinctions between the sexes with respect to athletics, living facilities, locker rooms, domestic violence shelters, rape crisis centers, restrooms, and other areas where biology, safety, or privacy are implicated that result in separate accommodations are substantially related to the important governmental objections of protecting the health, safety, and privacy of individuals in such circumstances.

(b) Any local school system, public school, or any state agency, department, or political subdivision that collects vital statistics for the purpose of complying with antidiscrimination laws or for the purpose of gathering accurate public health, crime, economic, or other data shall identify each individual who is part of the collected data set as either male or female at birth."

#### SECTION 4-2.

Said title is further amended in Code Section 1-3-1, relating to construction of statutes generally, by revising paragraphs (4) through (6) of subsection (d) as follows:

~~"(4) **Gender.** The masculine gender includes the feminine and the neuter.~~

~~(5)~~(4) **Joint authority.** A joint authority given to any number of persons or officers may be executed by a majority of them, unless it is otherwise declared.

~~(6)~~(5) **Number.** The singular or plural number each includes the other, unless the other is expressly excluded.

(6) **Sex.** Masculine words shall include the feminine and neuter."

#### SECTION 4-3.

Said title is further amended in Chapter 3, relating to laws and statutes, in Code Section 1-3-3, relating to definitions, by adding multiple new paragraphs to read as follows:

"(7.2) 'Father' means a parent of the male sex.

(7.3) 'Female' means an individual who has, had, or will have the reproductive system capable of the generation, migration, and utilization of eggs for fertilization, or would have such capabilities but for a developmental or genetic anomaly or historical accident."

"(9.1) 'Male' means an individual who has, had, or will have the reproductive system capable of the generation, migration, and utilization of sperm for fertilization, or would have such capabilities but for a developmental or genetic anomaly or historical accident.

(9.2) 'Man' means, except when used as a generic reference to human beings, an adult human male."

"(11.1) 'Mother' means a parent of the female sex."

"(22.1) 'Woman' means a human female."

## **PART V**

### **SECTION 5-1.**

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended in Code Section 15-9-90, relating to forms for probate court and local alteration, by revising subsection (b) as follows:

"(b) The rules adopted pursuant to subsection (a) of this Code section shall provide that the forms so adopted may be altered locally in a particular petition or proceeding in such items as grammar, ~~gender usage~~ sex terminology, the use of singular and plural nouns and pronouns, the omission of optional or alternate language, the inclusion of variable information such as names and addresses, and other nonmaterial ways."

**SECTION 5-2.**

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended in Code Section 17-4-20.2, relating to bias crime report, requirements, use of reports, and publication, by revising subsection (a) as follows:

"(a) Whenever a law enforcement officer investigates an incident of a crime in which it ~~appears~~ there is reasonable suspicion to believe that the defendant intentionally selected any victim or group of victims or any property as the object of the offense because of such victim's or group of victims' actual or perceived race, color, religion, national origin, sex, sexual orientation, ~~gender~~, mental disability, or physical disability, whether or not an arrest is made, the officer shall prepare and submit to the law enforcement officer's supervisor or other designated person a written report of the incident entitled 'Bias Crime Report.' Forms for such reports shall be designed and provided by the Georgia Bureau of Investigation. The report shall include:

- (1) Names of the parties;
- (2) Relationship of the parties;
- (3) Sex ~~and gender~~ of the parties;
- (4) Race of the parties;
- (5) Religion of the parties;
- (6) Dates of birth of the parties;
- (7) Time, place, and date of the incident;
- (8) Whether there is evidence to indicate that the incident occurred because of a person's actual or perceived attributes as specified by subsection (a) of this Code section;
- (9) Type and extent of the alleged violation;
- (10) Existence of any objects or symbols associated with the terrorizing of persons based upon actual or perceived race, religion, or sex;
- (11) Number and types of weapons involved, if any;
- (12) Existence of any prior difficulties between the parties;



- (13) Type of police action taken in disposition of case;
- (14) Whether the victim was apprised of available remedies and services; and
- (15) Any other information the officer deems pertinent."

### **SECTION 5-3.**

Said title is further amended in Code Section 17-10-17, relating to sentencing of defendants guilty of crimes involving bias or prejudice and identification of increased sentence, by revising subsection (b) as follows:

"(b) Subject to the notice requirement provided in Code Section 17-10-18 and in enhancement of the penalty imposed, if the trier of fact determines beyond a reasonable doubt that the defendant intentionally selected any victim or group of victims or any property as the object of the offense because of such victim's or group of victims' actual or perceived race, color, religion, national origin, sex, sexual orientation, ~~gender~~, mental disability, or physical disability, the judge imposing sentence shall:

(1) If the offense for which the defendant was convicted is a designated misdemeanor, impose a sentence of imprisonment for a period of not less than six nor more than 12 months, and a fine not to exceed \$5,000.00; or

(2) If the offense for which the defendant was convicted is a felony, impose a sentence of imprisonment for a period of not less than two years, and a fine not to exceed \$5,000.00."

### **SECTION 5-4.**

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in Code Section 20-2-315, relating to gender discrimination prohibited, authorized separate gender teams, equal athletic opportunity, physical education classes, employee designated to monitor compliance, grievance procedures, and reporting requirements, by revising subsections (a), (b), (c), (d), (e), and (j) as follows:

"(a) No student shall, on the basis of ~~gender~~ sex, be excluded from participation in, be denied the benefits of, be treated differently from another student, or otherwise be discriminated against in any interscholastic or intramural athletics offered by a local school system, and no local school system shall provide any such athletics separately on such basis.

(b) Notwithstanding the requirements of subsection (a) of this Code section, a local school system may operate or sponsor separate teams for members of each ~~gender~~ sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a local school system operates or sponsors a team in a particular sport for members of one ~~gender~~ sex but operates or sponsors no such team for members of the other ~~gender~~ sex, and athletic opportunities for members of that ~~gender~~ sex in that particular sport have previously been limited, members of the excluded ~~gender~~ sex must be allowed to try out for the team offered unless the sport involved is a contact sport. Nothing in this subsection shall be construed to limit the authority of a local school system to operate or sponsor a single team for a contact sport that includes members of both ~~genders~~ sexes. As used in this subsection, the term 'contact sport' includes boxing, wrestling, rugby, ice hockey, football, basketball, and any other sport the purpose or major activity of which involves bodily contact.

(c) A local school system which operates or sponsors interscholastic or intramural athletics shall undertake all reasonable efforts to provide equal athletic opportunity for members of both ~~genders~~ sexes. In determining whether equal opportunities are available the following factors shall be considered:

- (1) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both ~~genders~~ sexes;
- (2) The provision of equipment and supplies;
- (3) Scheduling of games and practice time;
- (4) Travel allowance;

- (5) Opportunity to receive coaching and academic tutoring;
- (6) Assignment and compensation of coaches and tutors;
- (7) Provision of locker rooms and practice and competitive facilities;
- (8) Provision of medical and training facilities and services; and
- (9) Publicity.

Unequal aggregate expenditures for members of each ~~gender~~ sex or unequal expenditures for male and female teams if a local school system operates or sponsors separate teams will not constitute noncompliance with this subsection, but the failure to provide essential funds for the basic operations of teams for one ~~gender~~ sex may be considered in assessing equality of opportunity for members of each ~~gender~~ sex. Nothing in Code Section 20-2-411 shall be construed to limit the authority of a local school system to expend school tax funds as authorized by Article VIII, Section VI, Paragraph I(b) of the Constitution in order to comply with the requirements of this Code section.

(d) A local school system may provide separate toilet, locker room, and shower facilities on the basis of ~~gender~~ sex, but such facilities shall be comparable to such facilities provided for students of the other ~~gender~~ sex.

(e) This Code section does not prohibit the grouping of students in physical education classes by ~~gender~~ sex."

"(j) The Department of Education may publish an annual report of local school systems to include information regarding expenditures and participation rates for each ~~gender~~ sex and such other information as the state board and department deem relevant."

#### **SECTION 5-5.**

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended in Code Section 40-5-25, relating to applications, fees, provisions for voluntary participation in various programs, by revising subsection (d) as follows:

"(d)(1) The General Assembly finds that it is in the best interest of this state to encourage improved public education and awareness regarding anatomical gifts of human organs and tissues and to address the ever increasing need for donations of anatomical gifts for the benefit of the citizens of Georgia.

(2) The department shall make available to procurement organizations or secure data centers maintained and managed at the direction of a procurement organization information provided for in Article 6 of Chapter 5 of Title 44, the 'Georgia Revised Uniform Anatomical Gift Act,' including the name, license number, date of birth, ~~gender~~ sex, and most recent address of any person eligible pursuant to Code Section 44-5-142 who obtains an organ donor driver's license; provided, however, that the ~~gender information~~ sex category information of either male or female shall be made available only to a procurement organization or secure data center if such organization or center has sufficient funds to cover the associated costs of providing such information. Information so obtained by such organizations and centers shall be used for a state-wide organ donor registry accessible to organ tissue and eye banks authorized to function as such in this state and shall not be further disseminated."

#### **SECTION 5-6.**

Said title is further amended in Code Section 40-5-100, relating to personal identification cards, contents, possession of more than one card prohibited, and optional contributions to and participation in voluntary programs, by revising paragraph (2) of subsection (e) as follows:

"(2) The department shall make available to procurement organizations or secure data centers maintained and managed at the direction of a procurement organization information provided for in Article 6 of Chapter 5 of Title 44, the 'Georgia Revised Uniform Anatomical Gift Act,' including the name, identification card number, date of birth, ~~gender~~ sex, and most recent address of any person who obtains an organ donor

487 identification card; provided, however, that the ~~gender~~ information with respect to one's  
488 sex shall be made available only to a procurement organization or secure data center if  
489 such organization or center has sufficient funds to cover the associated costs of providing  
490 such information. Information so obtained by such organizations and centers shall be  
491 used for a state-wide organ donor registry accessible to organ tissue and eye banks  
492 authorized to function as such in this state and shall not be further disseminated."

493 **SECTION 5-7.**

494 Title 44 of the Official Code of Georgia Annotated, relating to property, is amended in Code  
495 Section 44-5-158, relating to donor registry, by revising subsection (a) as follows:

496 "(a) The Department of Driver Services shall make available to procurement organizations  
497 or secure data centers maintained and managed at the direction of a procurement  
498 organization the name, license number, date of birth, ~~gender~~ sex, and most recent address  
499 of any person who obtains an organ donor's license; provided, however, that the ~~gender~~  
500 information with respect to one's sex shall only be made available to a procurement  
501 organization or secure data center if such organization or center has sufficient funds to  
502 cover the associated costs with providing such information. Information so obtained by  
503 such organizations shall be used for the purpose of establishing a state-wide organ donor  
504 registry accessible to organ tissue and eye banks authorized to function as such in this state  
505 and shall not be further disseminated."

506 **SECTION 5-8.**

507 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended  
508 in Article 1 of Chapter 5 of Title 49, relating to children and youth services, by revising Code  
509 Section 49-5-22, relating to voluntary pre-kindergarten programs to provide toilet facilities  
510 screened for privacy, as follows:

"49-5-22.

(a) The General Assembly finds that just as ~~gender-separated~~ toileting separated by one's sex among nonrelatives is the norm among adults, children should be allowed the same opportunity to practice modesty when independent toileting behavior is well established among the majority of their age group. Standardized adherence to this policy would provide privacy, injury control, and sanitation.

(b) Each public or private voluntary pre-kindergarten program in this state which receives state funding shall provide toilet facilities for the four-year-old pre-kindergarten age children which it serves which are suitably screened for privacy. Nothing contained in this Code section shall be construed to require a pre-kindergarten program to provide separately constructed toilet facilities.

(c) The provisions of subsection (b) of this Code section shall not apply to any voluntary pre-kindergarten program which provides separate and ~~gender-specific~~ male and female toilet facilities for the children which it serves."

#### **SECTION 5-9.**

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended in Code Section 50-12-22, relating to membership, appointment, terms, chairperson, and meetings, by revising paragraph (2) of subsection (b) as follows:

"(2) The council should be a balanced representation of the entire state, accounting for, but not limited to, minority and ethnic groups, ~~gender~~ male and female diversity, geographic diversity, large and small organizations, and the public and private sectors;"

#### **SECTION 5-10.**

Various titles of the Official Code of Georgia Annotated are amended by replacing "gender" with "sex" wherever the former term appears in:

(1) Code Section 11-1-106, relating to use of singular and plural and gender;

- (2) Code Section 12-5-287, relating to leasing of state owned marshland or water bottoms;
- (3) Code Section 13-10-91, relating to verification of new employee eligibility, applicability, and rules and regulations;
- (4) Code Section 15-11-341, relating to written report to court and review hearing and findings;
- (5) Code Section 15-12-1, relating to definitions;
- (6) Code Section 15-12-40.1, relating to state-wide master jury list, driver's license information, list of registered voters, and random list of persons to comprise venire;
- (7) Code Section 16-12-214, relating to study on minority and women participation; addressing discrimination;
- (8) Code Section 16-13-59, relating to information to include for each Schedule II, III, IV, or V controlled substance prescription and compliance;
- (9) Code Section 19-13-30, relating to State Commission on Family Violence;
- (10) Code Section 20-2-315, relating to gender discrimination prohibited, authorized separate gender teams, equal athletic opportunity, physical education classes, employee designated to monitor compliance, grievance procedures, and reporting requirements;
- (11) Code Section 20-2-316, relating to involvement of athletic association in high school athletics;
- (12) Code Section 20-2-740, relating to annual report by local boards of education regarding disciplinary and placement actions and annual study by the Department of Education;
- (13) Code Section 20-3-681, relating to compensation of athlete for use of name, image, or likeness, scholarships are not compensation, and requirements for schools and athletes;
- (14) Code Section 26-4-83, relating to patient record systems;
- (15) Code Section 27-2-2, relating to issuance and sale of hunting, fishing and trapping licenses, identification required, withdrawal of agents' authority to sell licenses, online

licensing system to allow making of anatomical gifts, and anatomical gift education and awareness;

(16) Code Section 31-10-33, relating to procedure for stillbirth;

(17) Code Section 33-20C-4, relating to information and searchable format for directories and exclusion of dental plans;

(18) Code Section 33-24-59.7, relating to coverage for the treatment of morbidly obese patients, short title, legislative findings, and adoption of rules and regulations by the Commissioner;

(19) Code Section 33-24-91, relating to use of credit information to underwrite or rate risks;

(20) Code Section 33-30A-4, relating to membership, cooperative's powers, duties and responsibilities, fees, and annual reports;

(21) Code Section 35-3-161, relating to time and procedure for withdrawal of blood samples;

(22) Code Section 37-2-5, relating to regional advisory councils - establishing policy and direction for disability services, membership, bylaws, meetings, and expenses;

(23) Code Section 37-2-6, relating to community mental health, developmental disabilities, and addictive diseases service boards - community service board creation, membership, participation of counties, transfer of powers and duties, alternate method of establishment, bylaws, and reprisals prohibited;

(24) Code Section 37-2-11, relating to allocation of available funds for services, recipients to meet minimum standards, accounting for fees generated by providers, and discrimination in providing services prohibited;

(25) Code Section 40-5-2, relating to keeping of records of applications for licenses and information on licenses and furnishing of information;

(26) Code Section 43-11-11, relating to gathering of census data on practicing dentists and dental hygienists and standard form;



- (27) Code Section 43-18-46, relating to grounds for denial or revocation of license or registration and other discipline;
- (28) Code Section 49-3-2, relating to appointment of county board members, terms, vacancies, per diem and expenses, and role of county board;
- (29) Code Section 49-3-3.1, relating to annual report from county director of department of family and children services and personal appearance;
- (30) Code Section 49-5-281, relating to bill of rights for foster parents and filing of grievance for violations;
- (31) Code Section 49-10-1, relating to the Board of Health Care Workforce, composition, expense allowances, staffing, and advisory committees;
- (32) Code Section 50-18-72, relating to when public disclosure is not required;
- (33) Code Section 50-36-1, relating to verification requirements, procedures, and conditions, exceptions, regulations, and criminal and other penalties for violations; and
- (34) Code Section 51-14-3, relating to definitions.

**PART VI**  
**SECTION 6-1.**

All laws and parts of laws in conflict with this Act are repealed.