



Senate Office of Policy and Legislative Analysis

204 Coverdell Legislative Office Building
18 Capitol Square SW
Atlanta, Georgia 30334

Hayley Williams
Director
(404) 656-0015

FINAL REPORT OF THE SENATE SPECIAL COMMITTEE ON THE PROTECTION OF WOMEN'S SPORTS (SR 4)

Committee Members

Senator Greg Dolezal, Chairman
District 27

Senator Jason Anavitarte
District 31

Senator Clint Dixon
District 45

Senator Bo Hatchett
District 50

Senator Billy Hickman
District 4

Senator Sheikh Rahman
District 5

Senator Freddie Powell-Sims
District 12

Senator Blake Tillery
District 19

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STUDY COMMITTEE CREATION, FOCUS, AND DUTIES

The Senate Special Committee on the Protection of Women's Sports was appointed by Lieutenant Governor Burt Jones pursuant to Senate Resolution 4.¹

The following members were appointed to the committee: Senator Greg Dolezal, Chairman; Senator Jason Anavitarte; Senator Clint Dixon; Senator Bo Hatchett; Senator Billy Hickman; Senator Sheikh Rahman; Senator Freddie Powell Sims; and Senator Blake Tillery.

The committee met four times, each at the Georgia State Capitol. Each meeting was livestreamed and all testimony, including public comment, is available to view in full at the Georgia State Senate Youtube Page.² The following includes a summary of the comments offered by each speaker who was invited to testify before the committee.

¹ <https://www.senate.ga.gov/committees/Documents/SpecialCommProtectingWomensSports.pdf>

² <https://www.youtube.com/@GeorgiaStateSenate>

SUMMARY OF TESTIMONY AND DISCUSSION

MEETING ONE

Date: August 27, 2024

Location: Georgia State Capitol – Atlanta, GA

Topic: Introductory Meeting

Summary of Testimony

Chairman Dolezal opened the meeting with an overview of the committee’s purpose and objectives, thanking Lt. Governor Jones for his leadership in creating this committee. The Chairman spoke to the history of Georgia’s efforts to tackle the issue of biological males participating in women’s sports, citing a popular bit of feedback in response to legislation as “a solution in search of a problem.” Meanwhile, the Chairman explained, female swimmers competing for national titles at Georgia Tech in 2022 were forced to use the same locker rooms as Lia Thomas, a transgender collegiate swimmer.

Chairman Dolezal explained that the speakers invited to this meeting are five women who were very accomplished, all-American swimmers who participated in the 2022 NCAA Division 1 National swimming and diving Championship. All are plaintiffs in a federal lawsuit alleging that the NCAA, the University System of Georgia, and Georgia Tech violated Title IX protections. He went on to explain that the NCAA board of governors passed a policy over a decade ago stating that athletes would compete under gender assigned at birth, but a 2022 policy allowed the inclusion of male athletes in female competition provided that there was a one-year period of the athlete undergoing hormone therapy.

Lieutenant Governor Burt Jones explained that the legislature had an opportunity to address this issue a few years ago, but ended up punting the issue to the High School Athletics Association. The intent of this effort is not to marginalize any groups of people, but to protect female athletes who want to compete on a level playing field.

Kylee Alons (*appeared in person; no visual aids*)
NC State University

Ms. Alons shared that she was required to compete against and change in the same locker room as Lia Thomas. Ms. Alons believes that Thomas only qualified for the women’s championship because of the physical advantages she has as a man, and that Thomas took away all of the attention (positive and negative) from the women who worked so hard to make it to the championship. Ms. Alons felt exposed and uncomfortable having to share the locker room with Thomas and began using a storage closet to have a private place to change. Ms. Alons stated that the experience disrupted her focus and made it more difficult to compete, and shared her concerns about the impact this will have on young women pursuing elite level athletics in the future.

Reka Gyorgy (*appeared via Zoom; no visual aids*)
Virginia Tech

Ms. Gyorgy described what happened at the championship in 2022 as harmful and degrading, stating that sex is a biological fact that cannot be ignored and there is no objective definition of woman other than biology. She stated that it is difficult mentally to compete against a man when you know they have a biological advantage.

Grace Countie (*appeared in person; no visual aids*)

University of North Carolina

Ms. Countie stated that she was fearful to disagree with the harm that was clearly being done in the sport, and knowing Thomas was competing in similar events added unnecessary pressure to the events. She stated that swimsuits for competition take 15-30 min to put on and have to be put on multiple times and she did not consent to being naked in front of a man. What she thought was her last collegiate swim experience was diminished as the rights of female athletes are being diminished.

Kaitlynn Wheeler (*appeared in person; no visual aids*)
University of Kentucky

Ms. Wheeler stated that current NCAA and college rules are harming women athletes and will continue to harm in the future, describing the championship as one of the most demeaning experiences of her life. According to Ms. Wheeler, men have inherent advantages that women cannot match and the swim meets Thomas competed in were simply not fair. There was no advance notice about Thomas using the same locker and changing room; Ms. Wheeler felt betrayed by NCAA and Georgia Tech for not protecting women from having their personal privacy stripped away. Moreover, Thomas' presence disrupted Ms. Wheeler's mental and physical race preparation.

Riley Gaines (*appeared in person; no visual aids*)
University of Kentucky

Ms. Gaines testified that she felt frustrated, betrayed, and heartbroken that she had to testify about this. She read a letter addressed to Georgia Tech's president asking why didn't he protect her and stated he should know better because of his involvement in the scientific community. Ms. Gaines stated that sharing a locker room with Thomas was sexual harassment, as the women did not consent to seeing and sharing space with a naked man. She put in years of blood, sweat, and tears to get to the top of the sport, and she and the other ladies were made the victims of sexual harassment and a social experiment.

MEETING TWO

Date: October 15, 2024

Location: Georgia State Capitol – Atlanta, GA

Topic: Legal & Healthcare Experts

Summary of Testimony

Chairman Dolezal welcomed the committee and indicated that the testimony offered at the meeting would cover two specific topics. First, the Committee would be hearing from two attorneys on the current legal climate around the country relating to women's sports, including the status of legal challenges to state-level statutes relating to participation in women's sports. Second, two physicians were invited to discuss physical, medical, and competitive differences between men and women at the high school, collegiate, and professional levels. Chairman Dolezal also indicated that he would receive public comment at the close of the meeting.

Erica Steinmiller-Perdomo, Legal Counsel (*appeared in person; no visual aids*)
Center for Public Policy, Alliance Defending Freedom

Ms. Steinmiller-Perdomo introduced herself by noting that the Alliance Defending Freedom (ADF) is one of the nation's most successful United States Supreme Court appellate advocates, having played roles in 77 victories before the Supreme Court on behalf of pastors, churches, religious organizations, and college students.

Women and girls deserve a level playing field that also protects their health and safety when competing in sports. ADF works with state attorneys general to defend laws protecting girl's and women's sports in court. ADF is currently working with Idaho and West Virginia to defend women's sports laws recently enacted there, and is also challenging the Biden administration's policy guidance on Title IX enforcement.

Allowing males to compete in women's sports deprives women of chances to compete fairly and the chance to earn recognition, wins, and college scholarships for their achievements. Allowing men to share locker rooms with women also exposes women to harassment. For 50 years under Title IX, women have been given opportunities to compete in sports. But recent developments have put these protections at risk. Women's sports laws at the state level restore these protections, including by giving women athletes a legal remedy when their rights are violated.

Ms. Steinmiller-Perdomo outlined some key principles for successful women's sports laws:

- Teams should be designated either male, female, or co-ed
- Males cannot be eligible to compete on a female team due to their significant physical and performance advantages over females due to higher bone density, greater lung capacity, stronger muscles, and other physiological features. Ms. Steinmiller noted that, because of these advantages, many female Olympic-level athletes would lose to "thousands" of boys or men on any given day despite being top female performers.
- Biological sex at birth is the key factor in determining eligibility for women's sports. This promotes the same fairness that we try to achieve by separating teams into age and weight classes in many sports.
- Ensure that women and girls have a legal remedy when a school deprives her of her rights under the law, including rights to an injunction.
- Ensure that schools have legal remedies against governing bodies that would try to punish a school for protecting women's sports.
- Protect private spaces for women athletes, including locker and changing rooms at competition and practice facilities.

Ms. Steinmiller-Perdomo indicated that 25 other states have passed laws protecting women's sports, none on which had been subjected to boycotts or similar public responses. She noted that Georgia is the only state that is home to an SEC school that has not enacted these protections.

She also noted that protection of women's sports is linked to professional success later in life, noting that 94% of female executives played sports during their academic years. Allowing men to compete in women's sports is destroying 50 years of advances for women.

Rachel Rouleau (*appeared in person; no visual aids*)

Alliance Defending Freedom

Ms. Rouleau summarized ADF's role in representing female athletes in cases in which they had been forced to compete against males and working with state governments to enact laws protecting women's sports. In one case in Connecticut, ADF's clients were forced to compete against two male athletes throughout high school due to a change in state law. In four years, the two males set 15 state records that had previously been held by 9 different women; girls overall lost 85 opportunities to compete at higher levels of competition due to the participation of the male athletes. In addition to these lost competitive opportunities, ADF's clients described themselves as being demoralized and wondering why they were even competing with others who had such immense physical advantages. The Connecticut policy has not been changed, and that litigation remains pending. Ms. Rouleau also described ADF's efforts representing female athletes in Idaho and West Virginia, some of whom had been forced to change and dress in locker rooms with men. Ms.

Rouleau also described how her clients had been subjected to sexual harassment by men in the locker room, including vulgar statements.

Ms. Rouleau also noted that Title IX affords equal protections to female athletes that are undermined by state policies that allow men to compete with women and allow men to change and dress in the same locker room. Ms. Rouleau noted her view that the Biden Administration's reinterpretation of Title IX was invalid because it sought to redefine sex, which is the statutory term, with the concept of gender identity, which is not mentioned in Title IX.

Dr. Chad Carlson (*appeared in person; provided written materials*)
Stadia Sports Medicine

Dr. Carlson is a Board-certified physician in sports medicine in Des Moines, Iowa. He specializes in athlete injury care and has a background in sports safety. He noted his experience and leadership roles in various professional societies and organizations and lamented that, when it comes to transgender participation in sports "ideology often seems to trump science." He noted the large increase in opportunities for women to participate in sports since the enactment of Title IX, as well as the need to protect their rights to compete against other women.

According to Dr. Carlson, the state should "intervene to ensure safety and competitive equity for female athletes" due to the current socio-political climate in which sports regulatory authorities "cannot be relied on to make consistent decisions with women's issues at the forefront." He noted that the transgender policies of many organizations are fluid "and arbitrarily applied," noting this specifically with regard to the NCAA and the International Olympic Committee and their shifting standards over the past decade and the less stringent requirements embodied in recent changes to such standards. He noted this had resulted in an abandonment of a commitment of "competitive equity" and that such changes did not recognize inherent physical advantages enjoyed men and were not supported by scientific research. He noted that the fact that men are able to outperform women in competitive sports is not actually controversial "to most people" and that allowing men to compete in women's sports places women at a higher risk of injury. He argued that "outside groups with ideological constraints," such as the NCAA, cannot be trusted to make decisions based on science and which are in the interest of protecting women.

He noted that testosterone suppression and other proposed solutions do not meaningfully protect women, due to other inherent "categorical" physical advantages such as higher muscle mass on average. He noted that injury risk for female athletes is well understood and quantified and that introducing men into competition with women raises that risk substantially. These advantages also lead to significant competitive advantages for men, in sports like boxing and volleyball for which international studies on strength and power have been conducted. He noted that a number of studies have concluded that biological men who attempt to transition (especially post-puberty) fall somewhere between men and women in various physical attributes relevant to sports performance, and that such physical advantages will not be fully mitigated using common methods of transition. For this reason, a number of sports leagues have permanently banned biological men from participating in women's sports once they have completed puberty.

Dr. Greg Brown (*via Zoom; provided written materials*)
University of Nebraska
Department of Kinesiology and Sports Sciences

Dr. Brown testified about sex-based differences in athletic performance, noting specifically that they are present before puberty. He noted the basic understanding that men can typically lift more weight, jump higher, run faster, swim faster and farther, and complete a number of other athletic tasks with greater speed and endurance than women of similar age, training, and talent. These abilities provide obvious athletic advantages for men who have completed puberty that cannot be mitigated by various transition therapies. He also noted that men begin to develop these advantages even before puberty, as they grow in strength and stature. Leading up to puberty, young men begin to outperform girls in various physical school-based tests of strength, endurance, speed, and power, while girls typically outperform boys in measures of flexibility. These sex-based differences have been noted across countries and cultures in studies conducted over the past four to five decades. Testosterone begins to accelerate these advantages once a boy enters and completes puberty. He noted that no published research shows that puberty blockers erase male athletic advantages. Published research also indicates that puberty blockers do not erase male advantages in body height, lean body mass, or muscle strength.

MEETING THREE

Date: November 21, 2024

Location: Georgia State Capitol – Atlanta, GA

Topic: Legal Expert

Summary of Testimony

Sasha Buchert, Attorney (*via Zoom; no visual aids*)
Lambda Legal

Sasha Buchert, an attorney with Lambda Legal, urged the committee to refrain from imposing a categorical ban on transgender student participation in sports, citing various obstacles faced by other states that have attempted to implement them previously. She also spoke to the negative impact the bans have had on cisgender girls in states where individuals are given the opportunity to report athletes directly to an investigatory entity. In some cases, this has been weaponized among biological female athletes. Ms. Buchert went on to give anecdotal evidence of harmless participation in sports by transgender children, and ultimately reiterated the position that categorical bans are more likely to cause harm than prevent it. Senator Dolezal asked what types of bans Ms. Buchert would support, if she opposes categorical bans, and without pinpointing a specific recommendation, Ms. Buchert suggested a measured approach relying on scientific markers and allowing for exceptions.

MEETING FOUR

Date: December 13, 2024

Location: Georgia State Capitol – Atlanta, GA

Topic: Introductory Meeting

Summary of Testimony

The Committee met to discuss and adopt this report and its recommendations.

FINDINGS AND RECOMMENDATIONS

Based on the testimony and research presented, the Senate Special Committee on the Protection of Women's Sports offers the following recommendations:

1. Repeal the delegation of authority by the General Assembly to high school athletic associations to regulate participation in women's sports. This is an issue that should be decided by the people's elected representatives.
2. Provide protections in statute for the protection of women's sports in Georgia at the secondary and collegiate levels for public high schools, colleges, and universities and private institutions that compete with and against public schools in sports. This should include rules providing that, based on the athlete's biological sex at birth, men cannot compete in sports designated for women.
3. Require schools that host or sponsor sporting events to provide separate changing and dressing facilities for male and female athletes based on their biological sex at birth.
4. Provide enforcement options for rules regarding women's sports participation and separate changing and dressing facilities, including grievance proceedings and civil remedies for aggrieved participants and the authority to withhold state funding from schools who fail or refuse to abide by these rules.
5. Adopt other rules, as necessary, to ensure that the regulation of sports is based on promoting and preserving competitive fairness and protecting student safety and that female student athletes have fair opportunities to demonstrate their strength, skills, and athletic abilities and to obtain recognition, accolades, college scholarships, and the numerous other long-term benefits that result from participating and competing in sports.

Respectfully Submitted,

**FINAL REPORT OF THE SENATE SPECIAL COMMITTEE ON
THE PROTECTION OF WOMEN'S SPORTS (SR 4)**

A handwritten signature in black ink, appearing to read 'GD', is centered on the page.

**Senator Greg Dolezal – Committee Chairman
District 27**