

State of Wisconsin



2025 Assembly Bill 102

Date of enactment:
Date of publication*:

2025 WISCONSIN ACT

AN ACT to amend 36.12 (1) and 38.23 (1); to create 36.25 (58), 36.25 (59), 38.12 (15) and 38.12 (16) of the statutes; relating to: designating University of Wisconsin and technical college sports and athletic teams based on the biological sex of the participants and the use of locker rooms by students.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 36.12 (1) of the statutes is amended to read:

36.12 (1) ~~Except as provided in s. 36.25 (58) and (59), no~~ student may be denied admission to, participation in or the benefits of, or be discriminated against in any service, program, course or facility of the system or its institutions because of the student's race, color, creed, religion, sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status or parental status.

SECTION 2. 36.25 (58) of the statutes is created to read:

36.25 (58) INTERCOLLEGIATE OR CLUB SPORTS; DESIGNATION AS SINGLE SEX OR COED. (a) In this subsection, "biological sex" means the physical condition of being male or female at birth, as stated on an individual's original birth certificate.

(b) An institution that operates or sponsors an intercollegiate or club athletic team or sport shall do all of the following:

1. Expressly designate the athletic team or sport as one of the following based on the biological sex of the participating students:

a. Males or men.

b. Females or women.

c. Coed or mixed-sex.

2. Prohibit students of the male biological sex from participating on an athletic team or in a sport that is designated for females or women under subd. 1.

3m. If the institution intends to change the designation of an athletic team or sport under subd. 1., provide written notification of the change to students who are eligible under both the previous and current designation to participate in the sport or on the athletic team.

(c) 1. A student of the female biological sex who is deprived of the opportunity to participate in a sport or on an athletic team or who suffers any direct or indirect harm as the result of a violation of par. (b) 2. may bring a cause of action against the institution for injunctive relief, damages, and any other relief available under law.

2. A student of the female biological sex who is subject to retaliation or other adverse action by an institution or athletic association or organization, as a result of reporting a violation of par. (b) 2. to an employee or representative of the institution or athletic association or organization or to any state or federal agency with oversight over the institution, may bring a cause of action against the institution or athletic association or organization for injunctive relief, damages, and any other relief available under law.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

3. An institution that suffers any direct or indirect harm by a licensing or accrediting organization or an athletic association or organization as a result of compliance with par. (b) 2. may bring a cause of action against the licensing or accrediting organization or the athletic association or organization for injunctive relief, damages, and any other relief available under law.

SECTION 2m. 36.25 (59) of the statutes is created to read:

36.25 (59) STUDENT PHYSICAL PRIVACY; LOCKER ROOMS. (a) In this subsection:

1. "Biological sex" has the meaning given in sub. (58) (a).

2. "Locker room" means an area in a campus building designated for students to change clothes or to be in various stages of undress and to be used by more than one individual student at a time. "Locker room" includes a shower room.

(b) 1. The board shall ensure that each locker room located in a campus building is designated for the exclusive use of individuals of one biological sex.

2. The board or an institution may establish policies for special events, including athletic events, during which an institution may temporarily redesignate a locker room for exclusive use by the opposite biological sex. Upon the conclusion of the special event, the locker room shall revert to the designation under subd. 1.

(c) The board or an institution may allow individuals to enter a locker room that is designated for the exclusive use by the opposite biological sex if the individual is entering the locker room under any of the following circumstances:

1. For custodial purposes.
2. For maintenance or inspection purposes.
3. To provide medical assistance.

4. The individual is a member of the faculty, academic staff, or university staff or a police officer or emergency medical services personnel and is performing duties related to the individual's employment.

5. The individual is a child who is being assisted by a family member or guardian.

6. To provide assistance to an individual with a disability.

7. When the locker room is temporarily designated for exclusive use by the individual's biological sex.

8. During a natural disaster, an emergency, a serious threat to student safety, or a drill related to student safety.

(d) If a student submits to an institution a written request to receive accommodations from the student being required to use a locker room designated for the exclusive use by one biological sex, the institution shall provide reasonable accommodations to the student, including allowing the student to use a single-occupancy

locker room or the regulated use of a staff locker room. An institution shall afford a written request submitted under this paragraph the same privacy protections as other similar student records.

(e) Nothing in this subsection prohibits the board or an institution from adopting a policy that is necessary to accommodate individuals protected under the federal Americans with Disabilities Act.

SECTION 3. 38.12 (15) of the statutes is created to read:

38.12 (15) INTERCOLLEGIATE OR CLUB SPORTS; DESIGNATION AS SINGLE SEX OR COED. (a) In this subsection, "biological sex" means the physical condition of being male or female at birth, as stated on an individual's original birth certificate.

(b) A district board that operates or sponsors an intercollegiate or club athletic team or sport shall do all of the following:

1. Expressly designate the athletic team or sport as one of the following based on the biological sex of the participating students:

- a. Males or men.
- b. Females or women.
- c. Coed or mixed-sex.

2. Prohibit students of the male biological sex from participating on an athletic team or in a sport that is designated for females or women under subd. 1.

3m. If the district board intends to change the designation of an athletic team or sport under subd. 1., provide written notification of the change to students who are eligible under both the previous and current designation to participate in the sport or on the athletic team.

(c) 1. A student of the female biological sex who is deprived of the opportunity to participate in a sport or on an athletic team or who suffers any direct or indirect harm as the result of a violation of par. (b) 2. may bring a cause of action against the district board for injunctive relief, damages, and any other relief available under law.

2. A student of the female biological sex who is subject to retaliation or other adverse action by a district board or athletic association or organization, as a result of reporting a violation of par. (b) 2. to an employee or representative of the district board or athletic association or organization or to any state or federal agency with oversight over the district board, may bring a cause of action against the district board or athletic association or organization for injunctive relief, damages, and any other relief available under law.

3. A district board that suffers any direct or indirect harm by a governmental entity, licensing or accrediting organization, or athletic association or organization as a result of compliance with par. (b) 2. may bring a cause of action against the governmental entity, licensing or accrediting organization, or athletic association or orga-

nization for injunctive relief, damages, and any other relief available under law.

SECTION 3m. 38.12 (16) of the statutes is created to read:

38.12 (16) STUDENT PHYSICAL PRIVACY; LOCKER ROOMS. (a) In this subsection:

1. "Biological sex" has the meaning given in sub. (15) (a).

2. "Locker room" means an area in a school building designated for students to change clothes or to be in various stages of undress and to be used by more than one individual student at a time. "Locker room" includes a shower room.

(b) 1. The district board shall ensure that each locker room located in a school building controlled by the district board is designated for the exclusive use of individuals of one biological sex.

2. The district board may establish policies for special events, including athletic events, during which the district board may temporarily redesignate a locker room for exclusive use by the opposite biological sex. Upon the conclusion of the special event, the locker room shall revert to the designation under subd. 1.

(c) The district board may allow individuals to enter a locker room that is designated for the exclusive use by the opposite biological sex if the individual is entering the locker room under any of the following circumstances:

1. For custodial purposes.
2. For maintenance or inspection purposes.
3. To provide medical assistance.
4. The individual is employed by the district board or a police officer or emergency medical services personnel and is performing duties related to the individual's employment.

5. The individual is a child who is being assisted by a family member or guardian.

6. To provide assistance to an individual with a disability.

7. When the locker room is temporarily designated for exclusive use by the individual's biological sex.

8. During a natural disaster, an emergency, a serious threat to student safety, or a drill related to student safety.

(d) If a student submits to a district board a written request to receive accommodations from the student being required to use a locker room designated for the exclusive use by one biological sex, the district board shall provide reasonable accommodations to the student, including allowing the student to use a single-occupancy locker room or the regulated use of a staff locker room. A district board shall afford a written request submitted under this paragraph the same privacy protections as other similar student records.

(e) Nothing in this subsection prohibits a district board from adopting a policy that is necessary to accommodate individuals protected under the federal Americans with Disabilities Act.

SECTION 4. 38.23 (1) of the statutes is amended to read:

38.23 (1) ~~No~~ Except as provided in s. 38.12 (15) and (16), no student may be denied admission to, participation in or the benefits of, or be discriminated against in any service, program, course or facility of the board or any district because of the student's race, color, creed, religion, sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status or parental status.

SECTION 5. Initial applicability.

(1) This act first applies in the first semester or session beginning after the effective date of this subsection.