

SB92 INTRODUCED



1 SB92
2 ABRW77Q-1
3 By Senator Weaver
4 RFD: County and Municipal Government
5 First Read: 13-Feb-24



SYNOPSIS:

This bill would define man, woman, boy, girl, father, mother, male, female, and sex for purposes of state law.

This would provide policy on the differences between sexes.

This bill would provide that state and local public entities may establish separate single-sex spaces or environments in certain circumstances.

This bill would also require the state or political subdivisions that collect vital statistics related to sex as male or female for certain purposes to identify each individual as either male or female at birth.

A BILL
TO BE ENTITLED
AN ACT

Relating to sex-based terminology; to amend Section 1-1-1, Code of Alabama 1975, to define certain sex-based terms; to provide policy relating to sex; to allow public entities to establish certain single sex spaces or environments; and to require public entities that collect



SB92 INTRODUCED

vital statistics related to sex as male or female to identify each individual as male or female as observed at birth.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The purpose of this act is to bring clarity, certainty, and uniformity to the laws of Alabama regarding sex discrimination, equality of the sexes, and benefits or services specifically provided to males and men and to females and women.

(b) This act applies wherever state law classifies individuals on the basis of sex or otherwise mentions individuals as being male or female, men or women, or boys or girls.

Section 2. The Legislature finds and declares all of the following:

(1) Men and women are legally equal but are not physically the same.

(2) The State of Alabama has an important interest in preventing unjust sex discrimination and in maintaining safety, privacy, and fairness for both sexes.

(3) Inconsistencies in court rulings and policy initiatives regarding sex discrimination and common sex-based words have endangered women's rights and resources and have put the existence of private, single-sex spaces in jeopardy.

(4) There are only two sexes, and every individual is either male or female. The term "sex" is objective and fixed. Individuals with differences in sex development, also known as "DSDs" or "intersex conditions," are not a third sex. Individuals with a congenital or medically verifiable DSD



SB92 INTRODUCED

diagnosis must be accommodated consistent with state and federal law.

(5) With respect to equality of the sexes, the term "equal" does not mean "same" or "identical."

Section 3. Section 1-1-1, Code of Alabama 1975, is amended to read as follows:

"§1-1-1

The following words, whenever they appear in this ~~Code,~~ ~~shall have the signification attached to them in this section~~ code, have the following meanings unless otherwise apparent from the context or otherwise explicitly defined:

(1) BOY. A human male who has not yet reached adulthood.

(2) FATHER. The male parent of a child or children.

(3) FEMALE. When used in reference to a natural person, an individual who has, had, will have, or would have, but for a developmental anomaly, genetic anomaly, or accident, the reproductive system that at some point produces ova.

(4) GIRL. A human female who has not yet reached adulthood.

(6) MALE. When used in reference to a natural person, an individual who has, had, will have, or would have, but for a developmental anomaly, genetic anomaly, or accident, the reproductive system that at some point produces sperm.

(7) MAN. An adult human of the male sex.

(9) MOTHER. The female parent of a child or children.

~~-(1)- (10) PERSON. The word "person" includes a corporation as well as a natural person~~ Includes an individual,



SB92 INTRODUCED

corporation, partnership, company, or other business entity.

~~(2) WRITING. The word "writing" includes typewriting and printing on paper.~~

~~(3) OATH. The word "oath" includes affirmation.~~

(14) SEX. When the term is used to classify or describe a natural person, the state of being male or female as observed or clinically verified at birth.

~~(4) (15) SIGNATURE or SUBSCRIPTION. The words "signature" or "subscription" include Includes a mark when the person an individual cannot write, if his or her name is written near the mark, and witnessed by a person an individual who writes his or her own name as a witness, and include with respect to corporate securities facsimile signature placed upon any instrument or writing with intent to execute or authenticate such instrument or writing.~~

~~(5) LUNATIC, INSANE or NON COMPOS MENTIS. The words "lunatic" or "insane" or the term "non compos mentis" include all persons of unsound mind.~~

~~(6) (12) PROPERTY. The word "property" includes Includes both real and personal property.~~

~~(7) (13) REAL PROPERTY. The term "real property" includes Includes lands, tenements, and hereditaments.~~

~~(8) (11) PERSONAL PROPERTY. The term "personal property" includes Includes money, goods, chattels, things in action and evidence of debt, deeds, and conveyances.~~

~~(9) CIRCUIT. The word "circuit" means judicial circuit.~~

~~(10) PRECEDING. The word "preceding" means next before.~~

~~(11) FOLLOWING. The word "following" means next after.~~



SB92 INTRODUCED

113 ~~(12)~~ (16) STATE. ~~The word "state," when~~ When applied to
114 the different parts of the United States, includes the
115 District of Columbia and the several territories of the United
116 States.

117 ~~(13)~~ (17) UNITED STATES. ~~The term "United States"~~
118 ~~includes~~ Includes the territories thereof and the District of
119 Columbia.

120 ~~(14)~~ (5) JURY or JURIES. ~~The words "jury" or "juries"~~
121 ~~include~~ Includes courts or judges in all cases when a jury
122 trial is waived, or when the court or judge is authorized to
123 ascertain and determine the facts as well as the law.

124 ~~(15)~~ (8) MONTH. ~~The word "month" means a~~ A calendar
125 month.

126 (18) WOMAN. An adult human of the female sex.

127 ~~(16)~~ (19) YEAR. ~~The word "year" means a~~ A calendar
128 year, ~~but,~~ except whenever the word "year" is used in
129 reference to any appropriations for the payment of money out
130 of the treasury, ~~it shall mean~~ the term shall mean a fiscal
131 year."

132 Section 4. (a) Any state law that prohibits
133 discrimination on the basis of sex thereby forbids unfair
134 treatment of females or males.

135 (b) Neither the state nor any political subdivision of
136 the state shall be prohibited from establishing separate
137 single-sex spaces or environments for males and females when
138 biology, privacy, safety, or fairness are implicated.

139 Section 5. (a) Any school district or public school,
140 and any state agency, department, bureau, or commission, or



SB92 INTRODUCED

political subdivision that collects vital statistics related to sex as male or female for the purpose of complying with anti-discrimination 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.

(b) Compliance with subsection (a) shall not require the collection of data regarding sex unless otherwise required by law, and the requirements of subsection (a) shall not prevent the collection of additional data points besides biological sex.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. This act shall become effective October 1, 2024.