

SENATE BILL No. 180

By Committee on Public Health and Welfare

2-7

1 AN ACT establishing the women's bill of rights; providing a meaning of
2 biological sex for purposes of statutory construction.

3
4 ~~WHEREAS, Male and female individuals possess unique and~~
5 ~~immutable biological differences that manifest prior to birth and increase~~
6 ~~as such individuals age and experience puberty; and~~

7 ~~WHEREAS, Biological differences between the sexes mean that only~~
8 ~~female individuals are able to become pregnant, give birth and breastfeed~~
9 ~~children; and~~

10 ~~WHEREAS, Biological differences between the sexes mean that male~~
11 ~~individuals are, on average, bigger, stronger and faster than female~~
12 ~~individuals; and~~

13 ~~WHEREAS, Biological differences between the sexes leave female~~
14 ~~individuals more physically vulnerable than male individuals to specific~~
15 ~~forms of violence, including sexual violence; and~~

16 ~~WHEREAS, Female individuals have historically suffered from~~
17 ~~discrimination in education, athletics and employment; and~~

18 ~~WHEREAS, Biological differences between the sexes are enduring and~~
19 ~~may, in some circumstances, warrant the creation of separate social,~~
20 ~~educational, athletics or other spaces in order to ensure safety and to allow~~
21 ~~members of each sex to succeed and thrive; and~~

22 ~~WHEREAS, Inconsistencies in court rulings and policy initiatives with~~
23 ~~respect to the definitions of "sex," "male," "female," "man" and "woman"~~
24 ~~have led to the endangerment of single-sex spaces and resources thereby~~
25 ~~necessitating the clarification of certain terms.~~

26 ~~Now, therefore:~~
27 *Be it enacted by the Legislature of the State of Kansas:*

28 Section 1. (a) Notwithstanding any provision of state law to the
29 contrary, with respect to the application of an individual's biological sex
30 pursuant to any state law or rules and regulations, the following shall
31 apply:

32 (1) An individual's "sex" means such individual's biological sex,
33 either male or female, at birth;

34 (2) a "female" is an individual whose biological reproductive system
35 is developed to produce ova, and a "male" is an individual whose
36 biological reproductive system is developed to fertilize the ova of a

[Stricken material in lines 4-26]

1 female;

2 (3) the terms "woman" and "girl" refer to human females, and the
3 terms "man" and "boy" refer to human males;

4 (4) the term "mother" means a parent of the female sex, and the term
5 "father" means a parent of the male sex;

6 (5) with respect to biological sex, the term "equal" does not mean
7 "same" or "identical"; and

8 (6) with respect to biological sex, separate accommodations are not
9 inherently unequal.

10 (b) Laws and rules and regulations that distinguish between the sexes
11 are subject to intermediate constitutional scrutiny. Intermediate
12 constitutional scrutiny forbids unfair discrimination against similarly
13 situated male and female individuals but allows the law to distinguish
14 between the sexes where such distinctions are substantially related to
15 important governmental objectives. Notwithstanding any provision of state
16 law to the contrary, distinctions between the sexes with respect to athletics,
17 prisons or other detention facilities, domestic violence shelters, rape crisis
18 centers, locker rooms, restrooms and other areas where biology, safety or
19 privacy are implicated that result in separate accommodations are
20 substantially related to the important governmental objectives of
21 protecting the health, safety and privacy of individuals in such
22 circumstances.

23 (c) Any school district, or public school thereof, and any state agency,
24 department or office or political subdivision that collects vital statistics for
25 the purpose of complying with anti-discrimination laws or for the purpose
26 of gathering accurate public health, crime, economic or other data shall
27 identify each individual who is part of the collected data set as either male
28 or female at birth.

29 Sec. 2. This act shall take effect and be in force from and after its
30 publication in the statute book.

[stricken material in line 7]

; and

(7) an individual born with a medically verifiable diagnosis of "disorder/
differences in sex development" shall be provided legal protections and
accommodations afforded under the Americans with Disabilities act and
applicable Kansas statutes