

EXHIBIT 1

2024 Idaho Laws Ch. 322 (H.B. 421)

IDAHO 2024 SESSION LAWS

SECOND REGULAR SESSION OF THE 67TH LEGISLATURE

Additions are indicated by **Text**; deletions by

~~Text~~.

Vetoed are indicated by ~~Text~~ ;

stricken material by ~~Text~~.

Ch. 322

H.B. No. 421

AN ACT RELATING TO AN INDIVIDUAL'S SEX; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 73–114, IDAHO CODE, TO DEFINE TERMS AND TO APPLY DEFINITIONS TO STATE RULES AND POLICIES; AMENDING SECTION 18–1506C, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 33–6602, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 120, LAWS OF 2023, TO REVISE A DEFINITION AND TO REDESIGNATE THE SECTION; AMENDING SECTION 39–245A, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to recognize the following:

- (1) In human beings, there are two, and only two, sexes: male and female;
- (2) Every individual is either male or female;
- (3) An individual's sex can be observed or clinically verified at or before birth;
- (4) Rare disorders of sexual development are not exceptions to the binary nature of sex;
- (5) In no case is an individual's sex determined by stipulation or self-identification;
- (6) There is increasing confusion about the definition of sex as a biological truth and its relationship to concepts and terms, including but not limited to gender, gender identity, gender role, gender expression, and experienced gender;
- (7) Confusion and ambiguities surrounding the definitions of sex, male, female, and related terms can hinder individual efforts to enjoy equal treatment under the law;
- (8) Legal equality of the two sexes does not imply that the sexes are identical to each other or are the same in every respect;
- (9) With respect to the two sexes, separate facilities, housing or sleeping arrangements, or sports teams, programs, or leagues established because of or organized according to physical differences between the sexes does not constitute unequal treatment under the law; and
- (10) Physical differences between males and females are enduring, and the two sexes are not fungible.

SECTION 2. That Section 73–114, Idaho Code, be, and the same is hereby amended to read as follows:

<< ID ST § 73–114 >>

§ 73–114. Statutory terms defined

(1) Unless otherwise defined for purposes of a specific statute:

- (a) Words used in these compiled laws in the present tense, include the future as well as the present;
- (b) Words used in the masculine gender, include the feminine and neuter;
- (c) The singular number includes the plural and the plural the singular;
- (d) The word “person” includes a corporation as well as a natural person;
- (e) Writing includes printing;
- (f) Oath includes affirmation or declaration, and every mode of oral statement, under oath or affirmation, is embraced by the term “testify,” and every written one in the term “depose”;
- (g) Signature or subscription includes mark, when the person cannot write, his name being written near it, and witnessed by a person who writes his own name as a witness.

(2) The following words have, in the compiled laws **and rules and policies of the state of Idaho**, the signification attached to them in this section, unless otherwise apparent from the context:

(a) “Boy” means a minor human male.

(b) “Father” means a male parent.

(c) “Female” means an individual who has, had, will have, or, but for a developmental or genetic anomaly or historical accident, would have the reproductive system that at some point produces, transports, and utilizes eggs for fertilization.

(d) “Gender,” when used to refer to males, females, or the natural differences between males and females, shall be considered a synonym for “sex” and shall not be considered a synonym for gender identity, an internal sense of gender, experienced gender, gender expression, or gender role. This definition shall not apply when the term “gender” is used in conjunction with other words or as an adjective to modify other words.

(e) “Girl” means a minor human female.

~~(a)~~ **(f)** “Intellectual disability” means significantly subaverage general intellectual functioning that is accompanied by significant limitations in adaptive functioning in at least two (2) of the following skill areas: communication, self-care, home living, social or interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health and safety. The onset of significantly subaverage general intelligence functioning and significant limitations in adaptive functioning must occur before age eighteen (18) years.

(g) “Male” means an individual who has, had, will have, or, but for a developmental or genetic anomaly or historical accident, would have the reproductive system that at some point produces, transports, and utilizes sperm for fertilization.

~~(b)~~ **(h)** “Month” means a calendar month, unless otherwise expressed.

(i) **“Mother” means a female parent.**

~~(e)~~ (j) “Personal property” includes money, goods, chattels, things in action, evidences of debt and general intangibles as defined in the uniform commercial code—secured transactions.

~~(d)~~ (k) “Property” includes both real and personal property.

~~(e)~~ (l) “Real property” is coextensive with lands, tenements and hereditaments, possessory rights and claims.

~~(f)~~ (m) “Registered mail” includes certified mail.

(n) **“Sex” means an individual's biological sex, either male or female.**

~~(g)~~ (o) “State,” when applied to the different parts of the United States, includes the District of Columbia and the territories; and the words “United States” may include the District of Columbia and territories.

~~(h)~~ (p) “Will” includes codicils.

~~(i)~~ (q) “Writ” signifies an order or precept in writing, issued in the name of the people, or of a court or judicial officer, and the word “process,” a writ or summons issued in the course of judicial proceedings.

SECTION 3. That Section 18–1506C, Idaho Code, be, and the same is hereby amended to read as follows:

<< ID ST § 18–1506C >>

§ 18–1506C. Vulnerable child protection

(1) This section shall be known and may be cited as the “Vulnerable Child Protection Act.”

(2) As used in this section:

(a) “Child” means any person under eighteen (18) years of age; and

(b) ~~“Sex” means the immutable biological and physiological characteristics, specifically the chromosomes and internal and external reproductive anatomy, genetically determined at conception and generally recognizable at birth, that define an individual as male or female~~ **is as defined in section 73–114, Idaho Code.**

(3) A medical provider shall not engage in any of the following practices upon a child for the purpose of attempting to alter the appearance of or affirm the child's perception of the child's sex if that perception is inconsistent with the child's biological sex:

(a) Performing surgeries that sterilize or mutilate, or artificially construct tissue with the appearance of genitalia that differs from the child's biological sex, including castration, vasectomy, hysterectomy, oophorectomy, metoidioplasty, orchiectomy, penectomy, phalloplasty, clitoroplasty, vaginoplasty, vulvoplasty, ovariectomy, or reconstruction of the fixed part of the urethra with or without metoidioplasty, phalloplasty, scrotoplasty, or the implantation of erection or testicular prostheses;

(b) Performing a mastectomy;

(c) Administering or supplying the following medications that induce profound morphologic changes in the genitals of a child or induce transient or permanent infertility:

(i) Puberty-blocking medication to stop or delay normal puberty;

(ii) Supraphysiological doses of testosterone to a female; or

- (iii) Supraphysiological doses of estrogen to a male; or
 - (d) Removing any otherwise healthy or nondiseased body part or tissue.
- (4) A surgical operation or medical intervention shall not be a violation of this section if the operation or intervention is:
- (a) Necessary to the health of the person on whom it is performed and is performed by a person licensed in the place of its performance as a medical practitioner, except that a surgical operation or medical intervention is never necessary to the health of the child on whom it is performed if it is for the purpose of attempting to alter the appearance of or affirm the child's perception of the child's sex if that perception is inconsistent with the child's biological sex;
 - (b) For the treatment of any infection, injury, disease, or disorder that has been caused or exacerbated by the performance of gender transition procedures, whether or not the procedures were performed in accordance with state and federal law; or
 - (c) Performed in accordance with the good faith medical decision of a parent or guardian of a child born with a medically verifiable genetic disorder of sex development, including:
 - (i) A child with external biological sex characteristics that are ambiguous and irresolvable, such as a child born having 46, XX chromosomes with virilization, 46, XY chromosomes with undervirilization, or with both ovarian and testicular tissue; or
 - (ii) When a physician has otherwise diagnosed a disorder of sexual development in which the physician has determined through genetic testing that the child does not have the normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female.
- (5) Any medical professional convicted of a violation of this section shall be guilty of a felony and shall be imprisoned in the state prison for a term of not more than ten (10) years.
- (6) The provisions of this act are hereby declared to be severable, and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this section.

SECTION 4. That Section 33–6602, Idaho Code, as enacted by Section 1, Chapter 120, Laws of 2023, be, and the same is hereby amended to read as follows:

<< Repealed: ID ST § 33–6602 >>

<< ID ST § 33–6702 >>

§ ~~33–6602~~. 33–6702. Definitions

For the purposes of this chapter:

- (1) “Changing facility” means a facility in which a person may be in a state of undress in the presence of others, including a locker room, changing room, or shower room.
- (2) “Public school” means any public school teaching K–12 students within an Idaho school district or charter school.
- (3) “Sex” ~~means the immutable biological and physiological characteristics, specifically the chromosomes and internal and external reproductive anatomy, genetically determined at conception and generally recognizable at birth, that define an individual as male or female~~ **is as defined in section 73–114, Idaho Code.**

SECTION 5. That Section 39–245A, Idaho Code, be, and the same is hereby amended to read as follows:

<< ID ST § 39–245A >>

§ 39–245A. Certificates of birth—Material facts included—Amendments

(1)(a) The legislature finds that:

- (i) There is a compelling interest in maintaining accurate, quantitative, biology-based material facts on Idaho certificates of birth that provide material facts fundamental to the performance of government functions that secure the public health and safety, including but not limited to identifying public health trends, assessing risks, conducting criminal investigations, and helping individuals determine their biological lineage, citizenship, or susceptibility to genetic disorders;
- (ii) The equal protection clause of the fourteenth amendment to the United States constitution prohibits purposeful discrimination, not facially neutral laws of general applicability, such as a biology-based definition of sex that has been consistently applied since our nation's founding;
- (iii) Decades of court opinion have upheld the argument that biological distinctions between male and female are a matter of scientific fact, and biological sex is an objectively defined category that has obvious, immutable, and distinguishable characteristics;
- (iv) Identification of biological sex on a birth certificate impacts the health and safety of all individuals. For example, the society for evidence-based gender medicine has declared that the conflation of sex and gender in health care is alarming, subjects hundreds of thousands of individuals to the risk of unintended medical harm, and will greatly impede medical research;
- (v) Vital statistics are defined in section 39–241(21), Idaho Code, as data, being the plural of datum, which is a known fact;
- (vi) Idaho certificates of birth are of an evidentiary character and prima facie evidence of the facts recited therein, according to section 39–274, Idaho Code;
- (vii) Age and sex, unlike the names of natural parents whose rights have been terminated, are legally applicable facts fundamental to the performance of public and private policies and contracts;
- (viii) The failure to maintain accurate, quantitative vital statistics and legal definitions upon which the government and others may with confidence rely constitutes a breach of the public trust; and
- (ix) The government has a compelling interest in maintaining the public trust and confidence and a duty to fulfill, to the best of its ability, those functions that rely on accurate vital statistics.

(b) Based on the findings in paragraph (a) of this subsection, the legislature directs that an Idaho certificate of birth shall document specific quantitative, material facts at the time of birth, as provided in subsection (2) of this section.

(2) Any certificate of birth issued under the provisions of this chapter shall include the following quantitative statistics and material facts specific to that birth: time of birth, date of birth, sex, birth weight, birth length, and place of birth.

(3) For purposes of this chapter, “sex” ~~means the immutable biological and physiological characteristics, specifically the chromosomes and internal and external reproductive anatomy, genetically determined at conception and generally recognizable at birth, that define an individual as male or female~~ **is as defined in section 73–114, Idaho Code.**

(4) The quantitative statistics and material facts identified in subsection (2) of this section may be amended within one (1) year of the filing of the certificate by submitting to the registrar a notarized affidavit of correction that:

- (a) Is on a form prescribed by the registrar;
- (b) Is signed by:
 - (i) The parents identified on the certificate of birth; or
 - (ii) The child's legal guardian;
- (c) Is signed by the physician or other person in attendance who provided the medical information and certified to the facts of birth; and
- (d) Declares that the information contained on the certificate of birth incorrectly represents a material fact at the time of birth.

After one (1) year, the quantitative statistics and material facts identified in subsection (2) of this section may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the party challenging the acknowledgment.

(5) In those instances in which an individual suffers from a physiological disorder of sexual development and the individual's biological sex cannot be recognized at birth as male or female based upon externally observable reproductive anatomy, the physician shall make a presumptive determination of the individual's sex, which may thereafter be amended based on the appropriate combination of genetic analysis and evaluation of the individual's naturally occurring internal and external reproductive anatomy as provided in **subsection** (4) of this section.

(6) Notwithstanding any provision of this section to the contrary, a hospital may correct a birth certificate for a clerical or data entry error at any time by submitting a notarized affidavit on a form specified by the registrar with any appropriate supporting documentation.

SECTION 6. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.

Approved April 9, 2024.

Effective: July 1, 2024.

West's Utah Code Annotated
Title 68. Statutes
Chapter 3. Construction

U.C.A. 1953 § 68-3-12.5

§ 68-3-12.5. Definitions for Utah Code

Effective: January 30, 2024

[Currentness](#)

(1) The definitions listed in this section apply to the Utah Code, unless:

- (a) the definition is inconsistent with the manifest intent of the Legislature or repugnant to the context of the statute; or
- (b) a different definition is expressly provided for the respective title, chapter, part, section, or subsection.

(2) “Adjudicative proceeding” means:

- (a) an action by a board, commission, department, officer, or other administrative unit of the state that determines the legal rights, duties, privileges, immunities, or other legal interests of one or more identifiable persons, including an action to grant, deny, revoke, suspend, modify, annul, withdraw, or amend an authority, right, or license; and
- (b) judicial review of an action described in Subsection (2)(a).

(3) “Administrator” includes “executor” when the subject matter justifies the use.

(4) “Advisory board,” “advisory commission,” and “advisory council” mean a board, commission, committee, or council that:

- (a) is created by, and whose duties are provided by, statute or executive order;
- (b) performs its duties only under the supervision of another person as provided by statute; and
- (c) provides advice and makes recommendations to another person that makes policy for the benefit of the general public.

(5) “Armed forces” means the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.

(6) “City” includes, depending on population, a metro township as defined in [Section 10-3c-102](#).

(7) “County executive” means:

- (a) the county commission, in the county commission or expanded county commission form of government established under Title 17, Chapter 52a, Changing Forms of County Government;
- (b) the county executive, in the county executive-council optional form of government authorized by [Section 17-52a-203](#); or
- (c) the county manager, in the council-manager optional form of government authorized by [Section 17-52a-204](#).

(8) “County legislative body” means:

- (a) the county commission, in the county commission or expanded county commission form of government established under Title 17, Chapter 52a, Changing Forms of County Government;
- (b) the county council, in the county executive-council optional form of government authorized by [Section 17-52a-203](#); and
- (c) the county council, in the council-manager optional form of government authorized by [Section 17-52a-204](#).

(9) “Depose” means to make a written statement made under oath or affirmation.

(10)(a) “Equal” means, with respect to biological sex, of the same value.

(b) “Equal” does not mean, with respect to biological sex:

- (i) a characteristic of being the same or identical; or
- (ii) a requirement that biological sexes be ignored or co-mingled in every circumstance.

(11) “Executor” includes “administrator” when the subject matter justifies the use.

(12) “Father” means a parent who is of the male sex.

(13) “Female” means the characteristic of an individual whose biological reproductive system is of the general type that functions in a way that could produce ova.

(14) “Guardian” includes a person who:

(a) qualifies as a guardian of a minor or incapacitated person pursuant to testamentary or court appointment; or

(b) is appointed by a court to manage the estate of a minor or incapacitated person.

(15) “Highway” includes:

(a) a public bridge;

(b) a county way;

(c) a county road;

(d) a common road; and

(e) a state road.

(16) “Intellectual disability” means a significant, subaverage general intellectual functioning that:

(a) exists concurrently with deficits in adaptive behavior; and

(b) is manifested during the developmental period as defined in the current edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association.

(17) “Intermediate care facility for people with an intellectual disability” means an intermediate care facility for the mentally retarded, as defined in Title XIX of the Social Security Act.

(18) “Land” includes:

(a) land;

(b) a tenement;

(c) a hereditament;

(d) a water right;

(e) a possessory right; and

(f) a claim.

(19) “Male” means the characteristic of an individual whose biological reproductive system is of the general type that functions to fertilize the ova of a female.

(20) “Man” means an adult human male.

(21) “Month” means a calendar month, unless otherwise expressed.

(22) “Mother” means a parent who is of the female sex.

(23) “Oath” includes “affirmation.”

(24) “Person” means:

(a) an individual;

(b) an association;

(c) an institution;

(d) a corporation;

(e) a company;

(f) a trust;

(g) a limited liability company;

(h) a partnership;

(i) a political subdivision;

(j) a government office, department, division, bureau, or other body of government; and

(k) any other organization or entity.

(25) “Personal property” includes:

(a) money;

(b) goods;

(c) chattels;

(d) effects;

(e) evidences of a right in action;

(f) a written instrument by which a pecuniary obligation, right, or title to property is created, acknowledged, transferred, increased, defeated, discharged, or diminished; and

(g) a right or interest in an item described in Subsections (25)(a) through (f).

(26) “Personal representative,” “executor,” and “administrator” include:

(a) an executor;

(b) an administrator;

(c) a successor personal representative;

(d) a special administrator; and

(e) a person who performs substantially the same function as a person described in Subsections (26)(a) through (d) under the law governing the person's status.

(27) “Policy board,” “policy commission,” or “policy council” means a board, commission, or council that:

(a) is authorized to make policy for the benefit of the general public;

- (b) is created by, and whose duties are provided by, the constitution or statute; and
 - (c) performs its duties according to its own rules without supervision other than under the general control of another person as provided by statute.
- (28) “Population” is shown by the most recent state or national census, unless expressly provided otherwise.
- (29) “Process” means a writ or summons issued in the course of a judicial proceeding.
- (30) “Property” includes both real and personal property.
- (31) “Real estate” or “real property” includes:
- (a) land;
 - (b) a tenement;
 - (c) a hereditament;
 - (d) a water right;
 - (e) a possessory right; and
 - (f) a claim.
- (32) “Review board,” “review commission,” and “review council” mean a board, commission, committee, or council that:
- (a) is authorized to approve policy made for the benefit of the general public by another body or person;
 - (b) is created by, and whose duties are provided by, statute; and
 - (c) performs its duties according to its own rules without supervision other than under the general control of another person as provided by statute.
- (33) “Road” includes:

- (a) a public bridge;
 - (b) a county way;
 - (c) a county road;
 - (d) a common road; and
 - (e) a state road.
- (34) “Sex” means, in relation to an individual, the individual's biological sex, either male or female, at birth, according to distinct reproductive roles as manifested by:
- (a) sex and reproductive organ anatomy;
 - (b) chromosomal makeup; and
 - (c) endogenous hormone profiles.
- (35) “Signature” includes a name, mark, or sign written with the intent to authenticate an instrument or writing.
- (36) “State,” when applied to the different parts of the United States, includes a state, district, or territory of the United States.
- (37) “Swear” includes “affirm.”
- (38) “Testify” means to make an oral statement under oath or affirmation.
- (39) “Town” includes, depending on population, a metro township as defined in [Section 10-3c-102](#).
- (40) “Uniformed services” means:
- (a) the armed forces;
 - (b) the commissioned corps of the National Oceanic and Atmospheric Administration; and
 - (c) the commissioned corps of the United States Public Health Service.

(41) “United States” includes each state, district, and territory of the United States of America.

(42) “Utah Code” means the 1953 recodification of the Utah Code, as amended, unless the text expressly references a portion of the 1953 recodification of the Utah Code as it existed:

(a) on the day on which the 1953 recodification of the Utah Code was enacted; or

(b)(i) after the day described in Subsection (42)(a); and

(ii) before the most recent amendment to the referenced portion of the 1953 recodification of the Utah Code.

(43) “Vessel,” when used with reference to shipping, includes a steamboat, canal boat, and every structure adapted to be navigated from place to place.

(44)(a) “Veteran” means an individual who:

(i) has served in the United States Armed Forces for at least 180 days:

(A) on active duty; or

(B) in a reserve component, to include the National Guard; or

(ii) has incurred an actual service-related injury or disability while in the United States Armed Forces regardless of whether the individual completed 180 days; and

(iii) was separated or retired under conditions characterized as honorable or general.

(b) This definition is not intended to confer eligibility for benefits.

(45) “Will” includes a codicil.

(46) “Woman” means an adult human female.

(47) “Writ” means an order or precept in writing, issued in the name of:

(a) the state;

(b) a court; or

(c) a judicial officer.

(48) “Writing” includes:

(a) printing;

(b) handwriting; and

(c) information stored in an electronic or other medium if the information is retrievable in a perceivable format.

Credits

Laws 2010, c. 254, § 9, eff. May 11, 2010; Laws 2011, c. 366, § 148, eff. May 10, 2011; Laws 2015, c. 141, § 4, eff. July 1, 2016; Laws 2015, c. 152, § 1, eff. May 12, 2015; Laws 2018, c. 68, § 41, eff. March 15, 2018; Laws 2019, c. 24, § 5, eff. May 14, 2019; Laws 2021, c. 93, § 5, eff. May 5, 2021; Laws 2024, c. 2, § 17, eff. Jan. 30, 2024.

U.C.A. 1953 § 68-3-12.5, UT ST § 68-3-12.5

Current with laws of the 2024 General Session eff. through April 30, 2024. Some statutes sections may be more current, see credits for details.

West's Kansas Statutes Annotated

Chapter 77. Statutes; Administrative Rules and Regulations and Procedure

Article 2. Statutory Construction

K.S.A. 77-207

77-207. Biological sex; application thereof to any state law or rule or regulation; application of intermediate constitutional scrutiny standard of review; important governmental objectives; collection of vital statistics

Effective: July 1, 2023

[Currentness](#)

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

- (1) An individual's "sex" means such individual's biological sex, either male or female, at birth;
- (2) a "female" is an individual whose biological reproductive system is developed to produce ova, and a "male" is an individual whose biological reproductive system is developed to fertilize the ova of a female;
- (3) the terms "woman" and "girl" refer to human females, and the terms "man" and "boy" refer to human males;
- (4) the term "mother" means a parent of the female sex, and the term "father" means a parent of the male sex;
- (5) with respect to biological sex, the term "equal" does not mean "same" or "identical";
- (6) with respect to biological sex, separate accommodations are not inherently unequal; 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.

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

(c) Any school district, or public school thereof, and any state agency, department or office or political subdivision that collects vital statistics 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 at birth.

Credits

[Laws 2023, ch. 84, § 1](#), eff. July 1, 2023.

K. S. A. 77-207, KS ST 77-207

Statutes are current through laws enacted during the 2024 Regular Session of the Kansas Legislature effective on April 25, 2024. Some statute sections may be more current, see credits for details.

End of Document

© 2024 Thomson Reuters. No claim to original U.S. Government Works.



J. Kevin Stitt
Office of the Governor
State of Oklahoma

FILED

AUG 01 2023

OKLAHOMA SECRETARY
OF STATE

Executive Department
Executive Order 2023-20

The 19th Amendment guaranteed women across the country the right to vote one hundred and three years ago this month. Fifty-one years ago this summer, a Democratic Congress passed and a Republican President signed, the groundbreaking law popularly known as Title IX to promote opportunities for women in education programs and activities funded by the federal government. Fifty years ago this month, President Nixon proclaimed August 26th to be Women's Equality Day, celebrating women's suffrage and the vital contributions women make to our economy and our nation. Each of these events, championed by leaders from both political parties, made great strides for the dignity and equality of women in America.

Today, radical gender ideologues threaten the hard-fought progress won by women and girls in our society, and the federal government is surrendering to their demands. In Oklahoma, we have led the pushback in restoring reality to discourse surrounding gender, not least through last year's enactment of the Save Women's Sports Act. But more remains to be done to counter the regression of women's rights in this country. There are definitional, practical, and material differences between the sexes that have implications for our law in Oklahoma. To settle the unfounded confusion surrounding such basic questions as "What is a woman?", this Order is intended to provide clarity, certainty, and uniformity to administrative actions and rules.

Therefore, I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power and authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution, and to the fullest extent permitted by law, hereby order as follows:

1. In the promulgation of administrative rules, enforcement of administrative decisions, and the adjudication of disputes by administrative agencies, boards, and commissions, all state agencies, boards, and commissions when using the following words shall, to the fullest extent permitted by law, define them as follows:
 - a. "female" when used in reference to a natural person shall be defined as such a person whose biological reproductive system is designed to produce ova.
 - b. "male" when used in reference to a natural person shall be defined as such a person whose biological reproductive system is designed to fertilize the ova of a female.
 - c. "woman" and "girl" shall refer to natural persons who are female.
 - d. "man" and "boy" shall refer to natural persons who are male.
 - e. "mother" shall be defined as a female parent of a child or children as defined in 25 O.S. § 7.

- f. "father" shall be defined as a male parent of a child or children as defined in 25 O.S. § 7.
 - g. "sex" when used in reference to a natural person shall be defined as that natural person's biological sex, either male or female at birth.
 - h. "natural person" shall be defined as only those "persons" defined in 25 O.S. §16 who are human beings, to the exclusion of bodies politic or corporate.
2. Any public school, public school district, and any other agency, department, or subdivision of the State, that collects vital statistics for the purpose of complying with anti-discrimination laws or for the purpose of gathering accurate public health, crime, economic, or other data shall, to the fullest extent allowed by law, identify each natural person who is part of the collected data set as either male or female as defined in this Order. Compliance with this Order shall not prevent provision of other data points as well.
3. When otherwise allowed by law, agencies are authorized, where practical, to provide governmental services in single-sex environments where biology, privacy, and personal dignity are implicated. As illustrative, non-exhaustive examples, prisons and other correctional facilities are directed to provide dedicated facilities for men and women respectively. Likewise, schools are directed to provide dedicated restrooms and locker room facilities for boys and girls, respectively.

This Executive Order shall be distributed to all members of the Governor's Executive Cabinet and the administrative heads and chief executives of all state agencies, who shall cause the provisions of this Order to be implemented as herein directed.

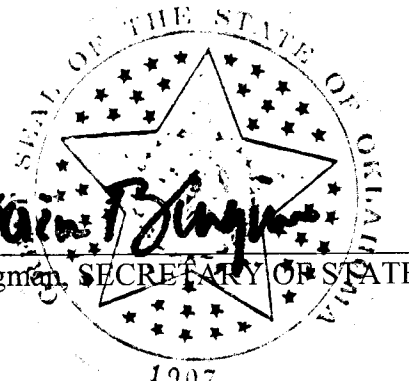

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this first day of August 2023.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA



J. KEVIN STITT

ATTEST:

Brian Bingman, SECRETARY OF STATE
1907