

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

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**MEMORANDUM**

To: Senate Committee on Public Health and Welfare  
From: Office of Revisor of Statutes  
Date: February 15, 2023  
Subject: Bill Brief on Senate Bill 180

Senate Bill 180 establishes the women's bill of rights to provide a meaning of biological sex for purposes of statutory construction.

SB 180 creates a new section of law. Subsection (a) establishes definitions and rules of statutory construction to use when applying an individual's biological sex to state law or rules and regulations. Paragraph (1) defines sex as an individual's biological sex at birth, either male or female. Female would be defined as an individual whose biological reproductive system is designed to produce an ova and a male as an individual whose biological reproductive system is designed to fertilize an ova. Paragraph (4) defines mother as a female parent and father as a male parent. Paragraphs (5) and (6) sets out the rules that with respect to biological sex, equal does not mean identical and separate accommodations are not necessarily unequal.

Subsection (b) sets out the standard of judicial review for state laws and rules and regulations that distinguish between the sexes as intermediate scrutiny. The bill describes intermediate scrutiny as allowing laws to distinguish between sexes where the distinctions are substantially related to an important government interest and states that distinctions between the sexes related to athletics, prisons, domestic violence shelters, and locker rooms, among others, are substantially related to an important government interest of protecting the health, safety and privacy of individuals in such circumstances.

Subsection (c) would require any state agency or school that collects vital statistics to identify each individual who is a part of the collected data as either male or female at birth.