

As Amended by House Committee

Session of 2023

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 ~~neecessitating 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

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; **and**

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

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

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

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