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MEMORANDUM

To: Chairperson Humphries
Members of the House Committee on Judiciary

From: The Office of Revisor of Statutes

Date: January 13, 2026

Subject: HB 2426 – Statutory amendments regarding the term “gender.”

House Bill No. 2426 (HB 2426) would make various amendments with respect to the term “gender” as it is used in state law. In 2023, the Legislature enacted SB 180, known as the Women’s Bill of Rights. Now codified at K.S.A. 77-207, the Women’s Bill of Rights establishes a definition for the term “sex” and directs governmental entities that collect vital statistics to identify individuals as either male or female at birth. SB 180 made no other changes to state law.

Around the time the Women’s Bill of Rights was enacted, the Director of the Division of Vehicles of the Kansas Department of Revenue (KDOR) issued a statement that the Division would continue its practice of updating driver’s licenses with respect to gender markers. The Attorney General filed suit against KDOR seeking a court order directing KDOR to comply with K.S.A. 77-207 and issue driver’s licenses that only identified the individual by sex as defined in K.S.A. 77-207. The Attorney General also sought a temporary injunction to prohibit KDOR from issuing more driver’s licenses with changes in gender identification.

The district court agreed with the Attorney General’s arguments and issued the requested injunction. KDOR appealed and in June 2025, the Kansas Court of Appeals reversed the district court holding that the Attorney General had not met the legal burden to justify the issuance of an injunction. HB 2426 proposes amendments to state law that would address the issues raised by the Court of Appeals.

First, HB 2426 amends K.S.A. 77-207 (Section 5) to include the term “gender” in the definition of “sex.” This would equate the two terms for purposes of the Women’s Bill of Rights. If enacted, any vital statistics indicating the gender of an individual would be defined as the biological sex of such individual at birth. The bill also would specify that the vital statistics

collected by a governmental entity could *only* identify the individual in the record by their biological sex at birth.

Second, HB 2426 addresses the Court of Appeals' holding that the term "gender" as used for driver's licenses differs from the term "sex" as defined by the Women's Bill of Rights. The bill amends K.S.A. 8-234a (Section 2) to define "gender" to mean the same as defined in the Women's Bill of Rights. The bill also amends K.S.A. 8-243 (Section 3) to direct KDOR to recall driver's licenses that have been issued where the gender of the individual does not comply with the term as defined in the Women's Bill of Rights. Upon the surrender of the license, KDOR would issue a corrected license that complies with K.S.A. 77-207.

Third, HB 2426 amends the Uniform Vital Statistics Act by creating new law (New Section 1) that would direct the State Registrar to issue corrected birth certificates for any birth certificate that has been issued where the gender of the individual does not comply with the term as defined in the Women's Bill of Rights.

Finally, HB 2426 amends the Help Not Harm Act, now codified at K.S.A. 65-28,137 through 65-28,142, which was enacted in 2025. The Court of Appeals identified this act as an example of the Legislature acknowledging a distinction between the terms "gender" and "sex." The bill would strike the definition of "gender" in K.S.A. 65-28,137 (Section 4) and remove the reference to "gender" where it appears in the definition of "sex." All other references to "gender" in the act would remain in state law.

If enacted, HB 2426 would become effective on July 1, 2026.