

## HOUSE BILL No. 2426

By Representative Humphries

1-9

1 AN ACT amending the women's bill of rights; defining the term "gender"  
2 to mean biological sex at birth for purposes of statutory construction;  
3 directing the director of the division of motor vehicles to invalidate and  
4 reissue driver's licenses when necessary to correct the gender  
5 identification on such licenses; directing the office of vital statistics to  
6 invalidate and reissue birth certificates when necessary to correct the  
7 sex identification on such certificates; removing the definition of  
8 "gender" from the help not harm act; amending K.S.A. 8-234a and  
9 K.S.A. 2025 Supp. 8-243, 65-28,137 and 77-207 and repealing the  
10 existing sections.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 New Section 1. (a) Any birth certificate issued prior to July 1, 2026,  
14 that identifies the sex of the individual named on such certificate in a  
15 manner that is contrary to the definition of such term as defined in K.S.A.  
16 2025 Supp. 77-207, and amendments thereto, shall be invalid.

17 (b) The state registrar shall correct any birth certificate records that  
18 identify the sex of the individual named in such record in a manner that is  
19 contrary to the definition of such term as defined in K.S.A. 2025 Supp. 77-  
20 207, and amendments thereto.

21 (c) This section shall be a part of and supplemental to the uniform  
22 vital statistics act.

23 Sec. 2. K.S.A. 8-234a is hereby amended to read as follows: 8-234a.

24 (a) As used in the motor vehicle drivers' license act, the following words  
25 and phrases shall have the meanings respectively ascribed to them herein:

26 (1) "Drivers' license examiner" or "examiner" means a drivers' license  
27 examiner of the division of vehicles or any person whom the director of  
28 vehicles has authorized, pursuant to the authority granted by this act, to  
29 accept applications for drivers' licenses and administer the examinations  
30 required for the issuance or renewal of drivers' licenses. Any county  
31 treasurer authorized to accept applications for drivers' licenses or  
32 administer drivers' license examinations shall be deemed to be acting as an  
33 agent of the state of Kansas;

34 (2) "nonresident" means every person who is not a resident of this  
35 state. For the purposes of the motor vehicle drivers' license act any person  
36 who owns, rents or leases real estate in Kansas as such person's residence

1 and engages in a trade, business or profession within Kansas or registers to  
2 vote in Kansas or enrolls such person's children in a school in this state or  
3 purchases Kansas registration for a motor vehicle, shall be deemed a  
4 resident of the state of Kansas 90 days after the conditions stated in this  
5 subsection commence, except that military personnel on active duty and  
6 their military dependents who are residents of another state, shall not be  
7 considered residents of the state of Kansas for the purpose of this act;

8 (3) "patrol" means the state highway patrol;

9 (4) "address of principal residence" means: (A) The place where a  
10 person makes his or her permanent principal home; (B) place where a  
11 person resides, has an intention to remain and where they intend to return  
12 following an absence; or (C) place of habitation to which, whenever the  
13 person is absent, the person intends to return. If a person eats at one place  
14 and sleeps at another, the place where the person sleeps shall be considered  
15 the person's address of principal residence;

16 (5) "state" means a state of the United States, the District of  
17 Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and  
18 the Commonwealth of Northern Mariana Islands;

19 (6) "wireless communication device" means any wireless electronic  
20 communication device that provides for voice or data communication  
21 between two or more parties, including, but not limited to, a mobile or  
22 cellular telephone, a text messaging device, a personal digital assistant that  
23 sends or receives messages, an audio-video player that sends or receives  
24 messages or a laptop computer; ~~and~~

25 (7) "religious organization" means any organization, church, body of  
26 communicants, or group, gathered in common membership for mutual  
27 support and edification in piety, worship and religious observances, or a  
28 society of individuals united for religious purposes at a definite place and  
29 which religious organization maintains an established place of worship  
30 within this state and has a regular schedule of services or meetings at least  
31 on a weekly basis and has been determined to be organized and created as  
32 a bona fide religious organization; ~~and~~

33 (8) "gender" means the same as defined in K.S.A. 77-207, and  
34 amendments thereto.

35 (b) As used in this act, the words and phrases defined by the sections  
36 in article 14 of chapter 8 of the Kansas Statutes Annotated, and  
37 amendments thereto, shall have the meanings respectively ascribed to  
38 them therein, unless a different meaning is ascribed to any such word or  
39 phrase by subsection (a) of this section.

40 Sec. 3. K.S.A. 2025 Supp. 8-243 is hereby amended to read as  
41 follows: 8-243. (a) Upon payment of the required fee, the division shall  
42 issue to every applicant qualifying under the provisions of this act the  
43 driver's license as applied for by the applicant. Such license shall bear the

1 class or classes of motor vehicles that the licensee is entitled to drive, a  
2 distinguishing number assigned to the licensee, the full legal name, date of  
3 birth, gender, address of principal residence and a brief description of the  
4 licensee, either: (1) A digital color image or photograph; or (2) a laser-  
5 engraved photograph of the licensee, a facsimile of the signature of the  
6 licensee and the statement provided for in subsection (b). No driver's  
7 license shall be valid until it has been signed by the licensee. All drivers'  
8 licenses issued to persons under the age of 21 years shall be readily  
9 distinguishable from licenses issued to persons age 21 years or older. In  
10 addition, all drivers' licenses issued to persons under the age of 18 years  
11 shall also be readily distinguishable from licenses issued to persons age 18  
12 years or older. The secretary of revenue shall implement a vertical format  
13 to make drivers' licenses issued to persons under the age of 21 more  
14 readily distinguishable. Except as otherwise provided, no driver's license  
15 issued by the division shall be valid until either: (1) A digital color image  
16 or photograph; or (2) a laser-engraved photograph of such licensee has  
17 been taken and verified before being placed on the driver's license. The  
18 secretary of revenue shall prescribe a fee of not more than \$8 and upon the  
19 payment of such fee, the division shall cause either: (1) A digital color  
20 image or photograph; or (2) a laser-engraved photograph of such applicant  
21 to be placed on the driver's license. Upon payment of such fee prescribed  
22 by the secretary of revenue, plus payment of the fee required by K.S.A. 8-  
23 246, and amendments thereto, for issuance of a new license, the division  
24 shall issue to such licensee a new license containing either: (1) A digital  
25 color image or photograph; or (2) a laser-engraved photograph of such  
26 licensee. A driver's license that does not contain the principal address as  
27 required may be issued to persons who are program participants pursuant  
28 to K.S.A. 75-455, and amendments thereto, upon payment of the fee  
29 required by K.S.A. 8-246, and amendments thereto. All Kansas drivers'  
30 licenses and identification cards shall have physical security features  
31 designed to prevent tampering, counterfeiting or duplication of the  
32 document for fraudulent purposes. The secretary of revenue shall  
33 incorporate common machine-readable technology into all Kansas drivers'  
34 licenses and identification cards.

35 (b) A Kansas driver's license issued to any person 16 years of age or  
36 older who indicated on the person's application that the person wished to  
37 make a gift of all or any part of the body of the licensee in accordance with  
38 the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244,  
39 and amendments thereto, shall have the word "Donor" placed on the front  
40 of the licensee's driver's license.

41 (c) Any person who is deaf or hard of hearing may request that the  
42 division issue to such person a driver's license which is readily  
43 distinguishable from drivers' licenses issued to other drivers and upon such

1 request the division shall issue such license. Drivers' licenses issued to  
2 persons who are deaf or hard of hearing and under the age of 21 years shall  
3 be readily distinguishable from drivers' licenses issued to persons who are  
4 deaf or hard of hearing and 21 years of age or older. Upon satisfaction of  
5 subsection (a), the division shall issue a receipt of application permitting  
6 the operation of a vehicle consistent with the requested class, if there are  
7 no other restrictions or limitations, pending the division's verification of  
8 the information and production of a driver's license.

9 (d) A driver's license issued to a person required to be registered  
10 under K.S.A. 22-4901 et seq., and amendments thereto, shall be assigned a  
11 distinguishing number by the division which will readily indicate to law  
12 enforcement officers that such person is a registered offender. The division  
13 shall develop a numbering system to implement the provisions of this  
14 subsection.

15 (e) (1) Any person who is a veteran may request that the division  
16 issue to such person a driver's license that shall include the designation  
17 "VETERAN" displayed on the front of the driver's license at a location to  
18 be determined by the secretary of revenue. In order to receive a license  
19 described in this subsection, the veteran shall provide a copy of the  
20 veteran's DD form 214, NGB form 22 or equivalent discharge document  
21 showing character of service as honorable or general under honorable  
22 conditions.

23 (2) As used in this subsection, "veteran" means a person who served  
24 in the active military, naval, air or space service, including those groups  
25 and individuals listed under 38 C.F.R. § 3.7, and who was discharged or  
26 released therefrom under an honorable discharge or a general discharge  
27 under honorable conditions.

28 (3) The director of vehicles may adopt any rules and regulations  
29 necessary to carry out the provisions of this subsection.

30 (f) (1) Any person who submits satisfactory proof to the director of  
31 vehicles, on a form provided by the director, that such person needs  
32 assistance with cognition, including, but not limited to, persons with  
33 autism spectrum disorder, may request that the division issue to such  
34 person a driver's license, that shall note such impairment on the driver's  
35 license at a location to be determined by the secretary of revenue.

36 (2) Satisfactory proof that a person needs assistance with cognition  
37 shall include a statement from a person licensed to practice the healing arts  
38 in any state, an advanced practice registered nurse licensed under K.S.A.  
39 65-1131, and amendments thereto, a licensed physician assistant or a  
40 person clinically licensed by the Kansas behavioral sciences regulatory  
41 board certifying that such person needs assistance with cognition.

42 (g) (1) *Any driver's license issued prior to July 1, 2026, that identifies  
43 the gender of the individual named on such license in a manner that is*

1 *contrary to the definition of such term as defined in K.S.A. 2025 Supp. 77-  
2 207, and amendments thereto, shall be invalid.*

3 *(2) The director shall correct any driver's license records that identify  
4 the gender of the individual named in such record in a manner that is  
5 contrary to the definition of such term as defined in K.S.A. 2025 Supp. 77-  
6 207, and amendments thereto. The director shall send written notice to  
7 each such individual notifying such individual that such license is invalid  
8 and to surrender such license to the division of motor vehicles. Upon the  
9 surrender of any such license, the director shall issue a new driver's  
10 license to such individual with the correct gender identification for such  
11 individual.*

12 Sec. 4. K.S.A. 2025 Supp. 65-28,137 is hereby amended to read as  
13 follows: 65-28,137. (a) The provisions of K.S.A. 2025 Supp. 65-28,137  
14 through 65-28,142, and amendments thereto, shall be known and may be  
15 cited as the help not harm act.

16 (b) As used in this act:

17 (1) "Child" means an individual less than 18 years of age.

18 (2) "Female" means an individual who is a member of the female sex.

19 (3) ~~"Gender" means the psychological, behavioral, social and cultural  
aspects of being male or female.~~

21 (4) "Gender dysphoria" is the diagnosis of gender dysphoria in the  
22 fifth edition of the diagnostic and statistical manual of mental disorders.

23 (5) "Healthcare provider" means an individual who is licensed,  
24 certified or otherwise authorized by the laws of this state to administer  
25 healthcare services in the ordinary course of the practice of such  
26 individual's profession.

27 (6) "Male" means an individual who is a member of the male sex.

28 (7) "Perceived sex" is an individual's internal sense of such  
29 individual's sex.

30 (8) "Perceived gender" is an individual's internal sense of such  
31 individual's gender.

32 (9) "Sex" means the biological indication of male and female in  
33 the context of reproductive potential or capacity, including sex  
34 chromosomes, naturally occurring sex hormones, gonads and  
35 nonambiguous internal and external genitalia present at birth, ~~without  
36 regard to an individual's psychological, chosen or subjective experience of  
37 gender.~~

38 (10) "Social transitioning" means acts other than medical or  
39 surgical interventions that are undertaken for the purpose of presenting as  
40 a member of the opposite sex, including the changing of an individual's  
41 preferred pronouns or manner of dress.

42 Sec. 5. K.S.A. 2025 Supp. 77-207 is hereby amended to read as  
43 follows: 77-207. (a) Notwithstanding any provision of state law to the

1 contrary, with respect to the application of an individual's biological sex  
2 pursuant to any state law or rules and regulations, the following shall  
3 apply:

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

6 (2) a "female" is an individual whose biological reproductive system  
7 is developed to produce ova, and a "male" is an individual whose  
8 biological reproductive system is developed to fertilize the ova of a  
9 female;

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

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

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

16 (6) with respect to biological sex, separate accommodations are not  
17 inherently unequal; and

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

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

35 (c) Any school district, or public school thereof, and any state agency,  
36 department or office or political subdivision that collects vital statistics for  
37 the purpose of complying with anti-discrimination laws or for the purpose  
38 of gathering accurate public health, crime, economic or other data shall  
39 *only* identify each individual who is part of the collected data set as either  
40 male or female at birth.

41 Sec. 6. K.S.A. 8-234a and K.S.A. 2025 Supp. 8-243, 65-28,137 and  
42 77-207 are hereby repealed.

43 Sec. 7. This act shall take effect and be in force from and after its

1 publication in the statute book.