

House Substitute for SENATE BILL No. 244

By Committee on Judiciary

1-27

1 AN ACT concerning identification of biological sex; requiring the
2 designation of multiple-occupancy private spaces in public buildings
3 for use by only one sex; imposing criminal and civil penalties for
4 violations; providing a cause of action for individuals aggrieved by an
5 invasion of privacy or other harm when accessing a multiple-occupancy
6 private space; amending the women's bill of rights; defining the term
7 "gender" to mean biological sex at birth for purposes of statutory
8 construction; directing the director of the division of vehicles to
9 invalidate and reissue driver's licenses when necessary to correct the
10 gender identification on such licenses; directing the office of vital
11 statistics to invalidate and reissue birth certificates when necessary to
12 correct the sex identification on such certificates; removing the
13 definition of "gender" from the help not harm act; amending K.S.A. 8-
14 234a and K.S.A. 2025 Supp. 8-243, 65-28,137 and 77-207 and
15 repealing the existing sections.
16

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

18 New Section 1. (a) As used in this section:
19 (1) "Female" means the same as defined in K.S.A. 2025 Supp. 77-
20 207, and amendments thereto.
21 (2) "Governmental entity" means the same as defined in K.S.A. 75-
22 6102, and amendments thereto.

23 (3) "Male" means the same as defined in K.S.A. 2025 Supp. 77-207,
24 and amendments thereto.

25 (4) "Multiple-occupancy private space" means a facility designed or
26 designated for simultaneous use by more than one individual and in which
27 an individual may be in a state of undress in the presence of another
28 individual, regardless of whether the facility provides curtains or partial
29 walls for privacy. "Multiple-occupancy private space" includes, but is not
30 limited to, a restroom, locker room, changing room or shower room.

31 (5) "Public building" means a building owned or leased by a
32 governmental entity. "Public building" does not include a building owned
33 by a governmental entity that is leased to a private entity, whether for
34 profit or not for profit, if the lease agreement for such building between
35 the governmental entity and the private entity was in force and effect on
36 the effective date of this act.

1 (6) "Sex" means the same as defined in K.S.A. 2025 Supp. 77-207,
2 and amendments thereto.

3 (7) "Single-occupancy private space" means a facility designed or
4 designated for use by only one individual at a time and in which the
5 individual may be in a state of undress. "Single-occupancy private space"
6 includes, but is not limited to:

7 (A) A single toilet restroom with a locking door that is designed or
8 designated as unisex; or

9 (B) a family restroom or changing room.

10 (b) (1) The governing body, or chief administrative officer if no
11 governing body exists, of each public building shall designate each
12 multiple-occupancy private space in such building for use only by
13 individuals of one sex. The governing body, or chief administrative officer
14 if no governing body exists, shall take every reasonable step to ensure an
15 individual does not enter a multiple-occupancy private space that is
16 designated for use only by individuals of the opposite sex.

17 (2) This subsection shall not be construed to prohibit a governing
18 body, or chief administrative officer if no governing body exists, from:

19 (A) Adopting a policy in accordance with the Americans with
20 disabilities act of 1990, 42 U.S.C. § 12101 et seq., for individuals who
21 require assistance when using a multiple-occupancy private space; or

22 (B) establishing a single-occupancy private space.

23 (C) Notwithstanding the provisions of subsections (b) and (g):

24 (1) An individual may enter a multiple-occupancy private space
25 designated for use only by individuals of the opposite sex:

26 (A) For custodial purposes;

27 (B) for maintenance or inspection purposes;

28 (C) to render medical or other emergency assistance;

29 (D) to accompany and provide assistance to an individual who needs
30 assistance using the facility;

31 (E) for law enforcement purposes;

32 (F) to render assistance necessary in preventing a serious threat to
33 proper order or safety; or

34 (G) to provide coaching or athletic training during athletic events,
35 provided such individual is a member of the coaching or athletic training
36 staff and such individual ensures that no individual of the opposite sex is
37 in a state of undress prior to entering such multiple-occupancy private
38 space; and

39 (2) a child who is under 12 years of age may enter a multiple-
40 occupancy private space designated for use only by individuals of the
41 opposite sex if accompanied by an individual caring for such child.

42 (d) Any governmental entity that violates this section is liable for a
43 civil penalty of \$25,000 for the first violation and \$125,000 for each

1 subsequent violation. Each day of a continuing violation of this section
2 constitutes a separate violation.

3 (e) (1) A person may file a complaint with the attorney general
4 against a governmental entity for a violation of this section if:

5 (A) Such person provides such governmental entity written notice
6 describing the violation; and

7 (B) such governing body, or chief administrative officer if no
8 governing body exists, of such governmental entity does not cure the
9 violation before the end of the third business day after the date the written
10 notice is received.

11 (2) A complaint filed under this subsection shall include a copy of the
12 written notice provided to the governmental entity and the complainant's
13 affidavit describing the violation.

14 (f) (1) Before bringing an action against a governmental entity for a
15 violation of this section, the attorney general shall investigate the
16 complaint filed under subsection (e) to determine whether legal action is
17 warranted.

18 (2) The governmental entity subject to the complaint shall provide to
19 the attorney general any information the attorney general requests in
20 connection with the investigation of the complaint, including, but not
21 limited to:

22 (A) Supporting documents related to the complaint; and

23 (B) a statement on whether the governmental entity has complied or
24 intends to comply with this section.

25 (3) If the attorney general determines that legal action is warranted,
26 the attorney general shall provide written notice to such governmental
27 entity that:

28 (A) Describes the violation and location of the multiple-occupancy
29 private space found to be in violation;

30 (B) the amount of the proposed penalty for the violation; and

31 (C) the penalty may be avoided by curing the violation on or before
32 the 15th day after the date the attorney general's notice is received.

33 (4) If a violation is not cured on or before the 15th day after the date
34 the notice is received, the attorney general may bring an action to assess
35 the civil penalty provided in subsection (d).

36 (g) (1) It shall be a violation of this section for an individual to enter a
37 multiple-occupancy private space designated for use only by individuals of
38 the opposite sex, except as permitted under subsection (b) or (c). Upon
39 receipt of a complaint that an individual entered a multiple-occupancy
40 private space in violation of this section, the governing body, or chief
41 administrative officer if no governing body exists, shall investigate and,
42 upon a finding that such individual violated this section, shall provide
43 written notice of such violation to such individual. Such notice shall

1 include:

2 (A) The date and location of the multiple-occupancy private space
3 where the violation occurred;

4 (B) a statement that repeated violations may result in fines or criminal
5 charges; and

6 (C) the procedure to administratively appeal the finding that such
7 individual violated this section.

8 (2) Any individual who commits a second violation after being found
9 to have violated this section pursuant to paragraph (1) shall be liable for a
10 civil penalty of \$1,000. An action to assess such penalty may be brought
11 by the attorney general if the violation occurred in a state building or by
12 the county or district attorney for the county where the violation occurred
13 if the violation occurred in a municipal building.

14 (3) Any individual who commits a third or subsequent violation shall
15 be guilty of a class B misdemeanor.

16 (h) (1) Any individual who, while accessing a multiple-occupancy
17 private space designated for use only by such individual's sex, is aggrieved
18 by the invasion of such individual's personal privacy or is otherwise
19 harmed by a violation of this section by an individual of the opposite sex
20 may bring a cause of action against such individual of the opposite sex. In
21 bringing such action, the individual may seek either actual damages or
22 liquidated damages in the amount of \$1,000, as well as declaratory and
23 injunctive relief.

24 (2) It shall be an affirmative defense to any claim brought pursuant to
25 this subsection that the defendant did not know that the multiple-
26 occupancy private space was designated for use only by individuals of the
27 opposite sex to that of the defendant.

28 (3) All civil actions brought pursuant to this subsection shall be
29 commenced within two years after the violation occurred. An individual
30 bringing any such action who prevails shall recover reasonable attorney
31 fees and costs.

32 (i) Any civil penalty collected by the attorney general pursuant to this
33 section shall be deposited to the credit of the crime victims compensation
34 fund established under K.S.A. 74-7317, and amendments thereto. Any
35 civil penalty collected by a county or district attorney pursuant to this
36 section shall be deposited to the credit of the general fund of the county
37 where such action was brought.

38 New Sec. 2. (a) Any birth certificate issued prior to July 1, 2026, that
39 identifies the sex of the individual named on such certificate in a manner
40 that is contrary to the definition of such term as defined in K.S.A. 2025
41 Supp. 77-207, and amendments thereto, shall be invalid.

42 (b) The state registrar shall correct any birth certificate records that
43 identify the sex of the individual named in such record 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.

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

5 Sec. 3. K.S.A. 8-234a is hereby amended to read as follows: 8-234a.

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

8 (1) "Drivers' license examiner" or "examiner" means a drivers' license
9 examiner of the division of vehicles or any person whom the director of
10 vehicles has authorized, pursuant to the authority granted by this act, to
11 accept applications for drivers' licenses and administer the examinations
12 required for the issuance or renewal of drivers' licenses. Any county
13 treasurer authorized to accept applications for drivers' licenses or
14 administer drivers' license examinations shall be deemed to be acting as an
15 agent of the state of Kansas;

16 (2) "nonresident" means every person who is not a resident of this
17 state. For the purposes of the motor vehicle drivers' license act any person
18 who owns, rents or leases real estate in Kansas as such person's residence
19 and engages in a trade, business or profession within Kansas or registers to
20 vote in Kansas or enrolls such person's children in a school in this state or
21 purchases Kansas registration for a motor vehicle, shall be deemed a
22 resident of the state of Kansas 90 days after the conditions stated in this
23 subsection commence, except that military personnel on active duty and
24 their military dependents who are residents of another state, shall not be
25 considered residents of the state of Kansas for the purpose of this act;

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

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

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

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

43 (7) "religious organization" means any organization, church, body of

1 communicants, or group, gathered in common membership for mutual
2 support and edification in piety, worship and religious observances, or a
3 society of individuals united for religious purposes at a definite place and
4 which religious organization maintains an established place of worship
5 within this state and has a regular schedule of services or meetings at least
6 on a weekly basis and has been determined to be organized and created as
7 a bona fide religious organization; *and*

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

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

15 Sec. 4. K.S.A. 2025 Supp. 8-243 is hereby amended to read as
16 follows: 8-243. (a) Upon payment of the required fee, the division shall
17 issue to every applicant qualifying under the provisions of this act the
18 driver's license as applied for by the applicant. Such license shall bear the
19 class or classes of motor vehicles that the licensee is entitled to drive, a
20 distinguishing number assigned to the licensee, the full legal name, date of
21 birth, gender, address of principal residence and a brief description of the
22 licensee, either: (1) A digital color image or photograph; or (2) a laser-
23 engraved photograph of the licensee, a facsimile of the signature of the
24 licensee and the statement provided for in subsection (b). No driver's
25 license shall be valid until it has been signed by the licensee. All drivers'
26 licenses issued to persons under the age of 21 years shall be readily
27 distinguishable from licenses issued to persons age 21 years or older. In
28 addition, all drivers' licenses issued to persons under the age of 18 years
29 shall also be readily distinguishable from licenses issued to persons age 18
30 years or older. The secretary of revenue shall implement a vertical format
31 to make drivers' licenses issued to persons under the age of 21 more
32 readily distinguishable. Except as otherwise provided, no driver's license
33 issued by the division shall be valid until either: (1) A digital color image
34 or photograph; or (2) a laser-engraved photograph of such licensee has
35 been taken and verified before being placed on the driver's license. The
36 secretary of revenue shall prescribe a fee of not more than \$8 and upon the
37 payment of such fee, the division shall cause either: (1) A digital color
38 image or photograph; or (2) a laser-engraved photograph of such applicant
39 to be placed on the driver's license. Upon payment of such fee prescribed
40 by the secretary of revenue, plus payment of the fee required by K.S.A. 8-
41 246, and amendments thereto, for issuance of a new license, the division
42 shall issue to such licensee a new license containing either: (1) A digital
43 color image or photograph; or (2) a laser-engraved photograph of such

1 licensee. A driver's license that does not contain the principal address as
2 required may be issued to persons who are program participants pursuant
3 to K.S.A. 75-455, and amendments thereto, upon payment of the fee
4 required by K.S.A. 8-246, and amendments thereto. All Kansas drivers'
5 licenses and identification cards shall have physical security features
6 designed to prevent tampering, counterfeiting or duplication of the
7 document for fraudulent purposes. The secretary of revenue shall
8 incorporate common machine-readable technology into all Kansas drivers'
9 licenses and identification cards.

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

16 (c) Any person who is deaf or hard of hearing may request that the
17 division issue to such person a driver's license which is readily
18 distinguishable from drivers' licenses issued to other drivers and upon such
19 request the division shall issue such license. Drivers' licenses issued to
20 persons who are deaf or hard of hearing and under the age of 21 years shall
21 be readily distinguishable from drivers' licenses issued to persons who are
22 deaf or hard of hearing and 21 years of age or older. Upon satisfaction of
23 subsection (a), the division shall issue a receipt of application permitting
24 the operation of a vehicle consistent with the requested class, if there are
25 no other restrictions or limitations, pending the division's verification of
26 the information and production of a driver's license.

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

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

41 (2) As used in this subsection, "veteran" means a person who served
42 in the active military, naval, air or space service, including those groups
43 and individuals listed under 38 C.F.R. § 3.7, and who was discharged or

1 released therefrom under an honorable discharge or a general discharge
2 under honorable conditions.

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

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

11 (2) Satisfactory proof that a person needs assistance with cognition
12 shall include a statement from a person licensed to practice the healing arts
13 in any state, an advanced practice registered nurse licensed under K.S.A.
14 65-1131, and amendments thereto, a licensed physician assistant or a
15 person clinically licensed by the Kansas behavioral sciences regulatory
16 board certifying that such person needs assistance with cognition.

17 (g) (1) *Any driver's license issued prior to July 1, 2026, that identifies
18 the gender of the individual named on such license 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, shall be invalid.*

21 (2) *The director shall correct any driver's license records that identify
22 the gender of the individual named in such record in a manner that is
23 contrary to the definition of such term as defined in K.S.A. 2025 Supp. 77-
24 207, and amendments thereto. The director shall send written notice to
25 each such individual notifying such individual that such license is invalid
26 and to surrender such license to the division of vehicles. Upon the
27 surrender of any such license, the director shall issue a new driver's
28 license to such individual with the correct gender identification for such
29 individual.*

30 Sec. 5. K.S.A. 2025 Supp. 65-28,137 is hereby amended to read as
31 follows: 65-28,137. (a) The provisions of K.S.A. 2025 Supp. 65-28,137
32 through 65-28,142, and amendments thereto, shall be known and may be
33 cited as the help not harm act.

34 (b) As used in this act:

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

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

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

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

41 (5) (4) "Healthcare provider" means an individual who is licensed,
42 certified or otherwise authorized by the laws of this state to administer
43 healthcare services in the ordinary course of the practice of such

1 individual's profession.

2 (6)(5) "Male" means an individual who is a member of the male sex.

3 (7)(6) "Perceived sex" is an individual's internal sense of such

4 individual's sex.

5 (8)(7) "Perceived gender" is an individual's internal sense of such

6 individual's gender.

7 (9)(8) "Sex" means the biological indication of male and female in

8 the context of reproductive potential or capacity, including sex

9 chromosomes, naturally occurring sex hormones, gonads and

10 nonambiguous internal and external genitalia present at birth, ~~without~~—
11 regard to an individual's psychological, chosen or subjective experience of

12 gender.

13 (10)(9) "Social transitioning" means acts other than medical or

14 surgical interventions that are undertaken for the purpose of presenting as

15 a member of the opposite sex, including the changing of an individual's

16 preferred pronouns or manner of dress.

17 Sec. 6. K.S.A. 2025 Supp. 77-207 is hereby amended to read as

18 follows: 77-207. (a) Notwithstanding any provision of state law to the

19 contrary, with respect to the application of an individual's biological sex

20 pursuant to any state law or rules and regulations, the following shall

21 apply:

22 (1) An individual's "sex" or "gender" means such individual's

23 biological sex, either male or female, at birth;

24 (2) a "female" is an individual whose biological reproductive system

25 is developed to produce ova, and a "male" is an individual whose

26 biological reproductive system is developed to fertilize the ova of a

27 female;

28 (3) the terms "woman" and "girl" refer to human females, and the

29 terms "man" and "boy" refer to human males;

30 (4) the term "mother" means a parent of the female sex, and the term

31 "father" means a parent of the male sex;

32 (5) with respect to biological sex, the term "equal" does not mean

33 "same" or "identical";

34 (6) with respect to biological sex, separate accommodations are not

35 inherently unequal; and

36 (7) an individual born with a medically verifiable diagnosis of

37 "disorder/differences in sex development" shall be provided legal

38 protections and accommodations afforded under the Americans with

39 disabilities act and applicable Kansas statutes.

40 (b) Laws and rules and regulations that distinguish between the sexes

41 are subject to intermediate constitutional scrutiny. Intermediate

42 constitutional scrutiny forbids unfair discrimination against similarly

43 situated male and female individuals but allows the law to distinguish

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

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

16 Sec. 7. K.S.A. 8-234a and K.S.A. 2025 Supp. 8-243, 65-28,137 and
17 77-207 are hereby repealed.

18 Sec. 8. This act shall take effect and be in force from and after its
19 publication in the Kansas register.