

SB79 ENGROSSED



1 SB79
2 XNXVEE7-2
3 By Senators Weaver, Bell, Livingston, Chambliss, Gudger,
4 Sessions, Kelley, Barfoot
5 RFD: County and Municipal Government
6 First Read: 04-Feb-25



SB79 Engrossed

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A BILL
TO BE ENTITLED
AN ACT

Relating to sex-based terminology; to amend Section 1-1-1, Code of Alabama 1975, to define certain sex-based terms; to provide policy relating to sex; to allow public entities to establish certain single sex spaces or environments; and to require public entities that collect vital statistics related to sex as male or female to identify each individual as male or female as observed at birth.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The purpose of this act is to bring clarity, certainty, and uniformity to the laws of Alabama regarding sex discrimination, equality of the sexes, and benefits or services specifically provided to males and men and to females and women.

(b) This act applies wherever state law classifies individuals on the basis of sex or otherwise mentions individuals as being male or female, men or women, or boys or girls.

Section 2. The Legislature finds and declares all of the following:

(1) Men and women are legally equal but are not



SB79 Engrossed

29 physically the same.

30 (2) The State of Alabama has an important interest in
31 preventing unjust sex discrimination and in maintaining
32 safety, privacy, and fairness for both sexes.

33 (3) Inconsistencies in court rulings and policy
34 initiatives regarding sex discrimination and common sex-based
35 words have endangered women's rights and resources and have
36 put the existence of private, single-sex spaces in jeopardy.

37 (4) There are only two sexes, and every individual is
38 either male or female. The term "sex" is objective and fixed.
39 Individuals with differences in sex development, also known as
40 "DSDs" or "intersex conditions," are not a third sex.
41 Individuals with a congenital or medically verifiable DSD
42 diagnosis must be accommodated consistent with state and
43 federal law.

44 (5) With respect to equality of the sexes, the term
45 "equal" does not mean "same" or "identical."

46 Section 3. Section 1-1-1, Code of Alabama 1975, is
47 amended to read as follows:

48 "§1-1-1

49 The following words, whenever they appear in this Code,
50 ~~shall have the signification attached to them in this~~
51 ~~section~~code, have the following meanings unless otherwise
52 apparent from the context or otherwise explicitly defined:

53 (1) BOY. A human male who has not yet reached
54 adulthood.

55 (2) FATHER. The male parent of a child or children.

56 (3) FEMALE. When used in reference to a natural person,



SB79 Engrossed

57 an individual who has, had, will have, or would have, but for
58 a developmental anomaly, genetic anomaly, or accident, the
59 reproductive system that at some point produces ova.

60 (4) GIRL. A human female who has not yet reached
61 adulthood.

62 (6) MALE. When used in reference to a natural person,
63 an individual who has, had, will have, or would have, but for
64 a developmental anomaly, genetic anomaly, or accident, the
65 reproductive system that at some point produces sperm.

66 (7) MAN. An adult human of the male sex.

67 (9) MOTHER. The female parent of a child or children.

68 ~~(10) PERSON. The word "person" includes a~~
69 ~~corporation as well as a natural person~~Includes an individual,
70 corporation, partnership, company, or other business entity.

71 ~~(2) WRITING. The word "writing" includes typewriting~~
72 ~~and printing on paper.~~

73 ~~(3) OATH. The word "oath" includes affirmation.~~

74 (14) SEX. When the term is used to classify or describe
75 a natural person, the state of being male or female as
76 observed or clinically verified at birth.

77 ~~(4) (15) SIGNATURE or SUBSCRIPTION. The words~~
78 ~~"signature" or "subscription" include~~Includes a mark when the
79 ~~person~~an individual cannot write, if his or her name is
80 written near the mark, and witnessed by ~~a person~~an individual
81 who writes his or her own name as a witness, ~~and include with~~
82 ~~respect to corporate securities facsimile signature placed~~
83 ~~upon any instrument or writing with intent to execute or~~
84 ~~authenticate such instrument or writing.~~



SB79 Engrossed

85 ~~(5) LUNATIC, INSANE or NON COMPOS MENTIS. The words~~
86 ~~"lunatic" or "insane" or the term "non compos mentis" include~~
87 ~~all persons of unsound mind.~~

88 ~~(6) (12) PROPERTY. The word "property" includes~~ Includes
89 both real and personal property.

90 ~~(7) (13) REAL PROPERTY. The term "real property"~~
91 ~~includes~~ Includes lands, tenements, and hereditaments.

92 ~~(8) (11) PERSONAL PROPERTY. The term "personal property"~~
93 ~~includes~~ Includes money, goods, chattels, things in action and
94 evidence of debt, deeds, and conveyances.

95 ~~(9) CIRCUIT. The word "circuit" means judicial circuit.~~

96 ~~(10) PRECEDING. The word "preceding" means next before.~~

97 ~~(11) FOLLOWING. The word "following" means next after.~~

98 ~~(12) (16) STATE. The word "state," when~~ When applied to
99 the different parts of the United States, includes the
100 District of Columbia and the several territories of the United
101 States.

102 ~~(13) (17) UNITED STATES. The term "United States"~~
103 ~~includes~~ Includes the territories thereof and the District of
104 Columbia.

105 ~~(14) (5) JURY or JURIES. The words "jury" or "juries"~~
106 ~~include~~ Includes courts or judges in all cases when a jury
107 trial is waived, or when the court or judge is authorized to
108 ascertain and determine the facts as well as the law.

109 ~~(15) (8) MONTH. The word "month" means a~~ A calendar
110 month.

111 (18) WOMAN. An adult human of the female sex.

112 ~~(16) (19) YEAR. The word "year" means a~~ A calendar



SB79 Engrossed

113 year, ~~it but~~, except whenever the word "year" is used in
114 reference to any appropriations for the payment of money out
115 of the treasury, ~~it shall mean~~ the term shall mean a fiscal
116 year."

117 Section 4. (a) Any state law that prohibits
118 discrimination on the basis of sex thereby forbids unfair
119 treatment of females or males.

120 (b) Neither the state nor any political subdivision of
121 the state shall be prohibited from establishing separate
122 single-sex spaces or environments for males and females when
123 biology, privacy, safety, or fairness are implicated.

124 Section 5. (a) Any school district or public school,
125 and any state agency, department, bureau, or commission, or
126 political subdivision that collects vital statistics related
127 to sex as male or female for the purpose of complying with
128 anti-discrimination laws or for the purpose of gathering
129 accurate public health, crime, economic, or other data shall
130 identify each individual who is part of the collected data set
131 as either male or female. This subsection shall not be
132 construed to prohibit the entry of "unknown" as the sex on a
133 child's certificate of birth, fetal death, or death when sex
134 cannot be medically determined for developmental or other
135 reasons at the time the facts of birth, fetal death, or death
136 are reported to the Office of Vital Statistics.

137 (b) Compliance with subsection (a) shall not require
138 the collection of data regarding sex unless otherwise required
139 by law, and the requirements of subsection (a) shall not
140 prevent the collection of additional data points besides



SB79 Engrossed

141 biological sex.

142 Section 6. The provisions of this act are severable. If
143 any part of this act is declared invalid or unconstitutional,
144 that declaration shall not affect the part which remains.

145 Section 7. This act shall become effective on October
146 1, 2025.



SB79 Engrossed

147
148
149 Senate

150 Read for the first time and referred04-Feb-25
151 to the Senate committee on County
152 and Municipal Government

153
154 Read for the second time and placed05-Feb-25
155 on the calendar:
156 0 amendments

157
158 Read for the third time and passed06-Feb-25
159 as amended
160 Yeas 26
161 Nays 5
162 Abstains 0

163
164
165 Patrick Harris,
166 Secretary.
167