HB111

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By Representative DuBose
RFD: Judiciary
First Read: 06-Feb-24
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 and gender identity; 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
(1) Men and women are legally equal but are not physically the same.

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

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

(4) There are only two sexes, and every individual is either male or female. The term "sex" is objective and fixed. Sex does not include "gender identity" or any other terms intended to convey an individual's subjective sense of self. "Gender identity" and other subjective terms are not synonyms or substitutes for "sex." Individuals with differences in sex development, also known as "DSDs" or "intersex conditions," are not a third sex. Individuals with a congenital or medically verifiable DSD diagnosis must be accommodated consistent with state and federal law.

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

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

"§1-1-1

(a) The following words, whenever they appear in this Code, shall have the signification attached to them in this section code, have the following meanings unless otherwise apparent from the context or otherwise explicitly defined:

(1) BOY. A human male who has not yet reached
(2) FATHER. The male parent of a child or children.

(3) FEMALE. When used in reference to a natural person, an individual who has, had, will have, or would have, but for a developmental anomaly, genetic anomaly, or accident, the reproductive system that at some point produces ova.

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

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

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

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

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

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

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

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

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

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

(6) PROPERTY. The word "property" includes both real and personal property.

(7) REAL PROPERTY. The term "real property" includes lands, tenements, and hereditaments.

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

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

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

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

(12) STATE. The word "state," when applied to the different parts of the United States, includes the District of Columbia and the several territories of the United States.

(13) UNITED STATES. The term "United States" includes the territories thereof and the District of Columbia.

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

(15) MONTH. The word "month" means a calendar
(18) WOMAN. An adult human of the female sex.

(19) YEAR. The word "year" means a calendar year; but, except whenever the word "year" is used in reference to any appropriations for the payment of money out of the treasury, it shall mean the term shall mean a fiscal year.

(b) Notwithstanding subsection (a), the definitions for "boy," "father," "female," "girl," "male," "man," "mother," sex, and "woman" shall only apply to state law.

(c) Notwithstanding subsection (a), the definitions for "boy," "father," "female," "girl," "male," "man," "mother," sex, and "woman" shall be construed consistent with the Supremacy Clause and the Equal Protection Clause of the United State Constitution."

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

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

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

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

Section 6. The intent of this act is not to deny identification on state-issued documentation consistent with an individual's gender identity.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 8. This act shall become effective October 1, 2024.
HB111 Engrossed

Read for the first time and referred ..................06-Feb-24
Read for the second time and placed ..................28-Feb-24
Read for the third time and passed ....................11-Apr-24

Yeas 77, Nays 24, Abstains 2

John Treadwell
Clerk