

REFERENCE TITLE: **biological sex; standard; review; records**

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2391

Introduced by
Representatives Kolodin: Gillette, Jones, Parker B

AN ACT

AMENDING TITLE 1, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 9; RELATING TO BIOLOGICAL SEX INDICATORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 1, Arizona Revised Statutes, is amended by adding
3 chapter 9, to read:

4 CHAPTER 9

5 BIOLOGICAL SEX INDICATORS

6 ARTICLE 1. GENERAL PROVISIONS

7 1-901. Biological sex indicators; requirements; standard of
8 review; records

9 A. NOTWITHSTANDING ANY OTHER LAW, WITH RESPECT TO THE APPLICATION
10 OF AN INDIVIDUAL'S BIOLOGICAL SEX PURSUANT TO ANY STATE LAW OR RULE, THE
11 FOLLOWING APPLY:

12 1. AN INDIVIDUAL'S SEX MEANS THE INDIVIDUAL'S BIOLOGICAL SEX AT
13 BIRTH, EITHER MALE OR FEMALE.

14 2. A FEMALE IS AN INDIVIDUAL WHOSE BIOLOGICAL REPRODUCTIVE SYSTEM
15 IS DEVELOPED TO PRODUCE OVA AND A MALE IS AN INDIVIDUAL WHOSE BIOLOGICAL
16 REPRODUCTIVE SYSTEM IS DEVELOPED TO FERTILIZE THE OVA OF A FEMALE.

17 3. THE TERMS WOMAN AND GIRL REFER TO HUMAN FEMALES AND THE TERMS
18 MAN AND BOY REFER TO HUMAN MALES.

19 4. THE TERM MOTHER MEANS A PARENT OF THE FEMALE SEX AND THE TERM
20 FATHER MEANS A PARENT OF THE MALE SEX.

21 5. WITH RESPECT TO BIOLOGICAL SEX:

22 (a) THE TERM EQUAL DOES NOT MEAN SAME OR IDENTICAL.

23 (b) SEPARATE ACCOMMODATIONS ARE NOT INHERENTLY UNEQUAL.

24 6. AN INDIVIDUAL WHO IS BORN WITH A MEDICALLY VERIFIABLE DIAGNOSIS
25 OF A DISORDER OR DIFFERENCE IN SEX DEVELOPMENT SHALL BE PROVIDED WITH
26 LEGAL PROTECTIONS AND ACCOMMODATIONS THAT ARE AFFORDED BY THE AMERICANS
27 WITH DISABILITY ACT OF 1990 (P.L. 101-336) AND ANY APPLICABLE LAW OF THIS
28 STATE.

29 B. ANY LAW AND RULE THAT DISTINGUISHES BETWEEN THE SEXES ARE
30 SUBJECT TO INTERMEDIATE CONSTITUTIONAL SCRUTINY. INTERMEDIATE
31 CONSTITUTIONAL SCRUTINY FORBIDS UNFAIR DISCRIMINATION AGAINST SIMILARLY
32 SITUATED MALE AND FEMALE INDIVIDUALS BUT ALLOWS THE LAW AND RULE TO
33 DISTINGUISH BETWEEN THE SEXES WHERE THE DISTINCTIONS ARE SUBSTANTIALLY
34 RELATED TO IMPORTANT GOVERNMENTAL OBJECTIVES. NOTWITHSTANDING ANY OTHER
35 LAW, DISTINCTIONS BETWEEN THE SEXES WITH RESPECT TO ATHLETICS, PRISONS OR
36 OTHER DETENTION FACILITIES, DOMESTIC VIOLENCE SHELTERS, SEXUAL ASSAULT
37 CRISIS CENTERS, LOCKER ROOMS, RESTROOMS AND OTHER AREAS WHERE BIOLOGY,
38 SAFETY OR PRIVACY ARE IMPLICATED THAT RESULT IN SEPARATE ACCOMMODATIONS
39 ARE SUBSTANTIALLY RELATED TO THE IMPORTANT GOVERNMENT OBJECTIVES OF
40 PROTECTING THE HEALTH, SAFETY AND PRIVACY OF INDIVIDUALS IN THOSE
41 CIRCUMSTANCES.

1 C. A SCHOOL DISTRICT OR PUBLIC SCHOOL AND ANY STATE AGENCY,
2 DEPARTMENT OR OFFICE OR POLITICAL SUBDIVISION OF THIS STATE THAT COLLECTS
3 VITAL STATISTICS TO COMPLY WITH ANTIDISCRIMINATION LAWS OR TO GATHER
4 ACCURATE PUBLIC HEALTH, CRIME, ECONOMIC OR OTHER DATA SHALL IDENTIFY EACH
5 INDIVIDUAL WHO IS PART OF THE COLLECTED DATA SET AS EITHER MALE OR FEMALE
6 AT BIRTH.