

REFERENCE TITLE: sex-based terms; laws; rules; regulations

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1628

Introduced by
Senators Kerr: Bennett, Bolick, Borrelli, Carroll, Gowan, Kavanagh,
Mesnard, Petersen, Shamp, Shope

AN ACT

AMENDING TITLE 1, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 9; RELATING
TO SEX-BASED TERMS.

(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 SEX-BASED TERMS IN LAW

6 ARTICLE 1. GENERAL PROVISIONS

7 1-901. Definitions for sex-based terms used in statutes,
8 administrative rules, regulations and public
9 policies

10 THE FOLLOWING TERMS HAVE THE FOLLOWING MEANINGS AS USED IN STATUTES,
11 ADMINISTRATIVE RULES, REGULATIONS AND PUBLIC POLICIES ADOPTED BY THIS
12 STATE OR BY A POLITICAL SUBDIVISION OF THIS STATE:

13 1. "BOY" MEANS A HUMAN MALE WHO HAS NOT YET REACHED ADULTHOOD.

14 2. EQUAL, WITH RESPECT TO EQUALITY OF THE SEXES, DOES NOT MEAN SAME
15 OR IDENTICAL.

16 3. "FATHER" MEANS A MALE PARENT OF A CHILD OR CHILDREN AS DEFINED
17 BY LAW.

18 4. "FEMALE", WHEN USED IN REFERENCE TO A NATURAL PERSON, MEANS AN
19 INDIVIDUAL WHO HAS, HAD, WILL HAVE OR WOULD HAVE, BUT FOR A DEVELOPMENTAL
20 ANOMALY OR ACCIDENT, THE REPRODUCTIVE SYSTEM THAT AT SOME POINT PRODUCES
21 OVA.

22 5. "GIRL" MEANS A HUMAN FEMALE WHO HAS NOT YET REACHED ADULTHOOD.

23 6. "MALE", WHEN USED IN REFERENCE TO A NATURAL PERSON, MEANS AN
24 INDIVIDUAL WHO HAS, HAD, WILL HAVE OR WOULD HAVE, BUT FOR A DEVELOPMENTAL
25 ANOMALY OR ACCIDENT, THE REPRODUCTIVE SYSTEM THAT AT SOME POINT PRODUCES
26 SPERM FOR FERTILIZATION OF FEMALE OVA.

27 7. "MAN" MEANS AN ADULT HUMAN OF THE MALE SEX.

28 8. "MOTHER" MEANS A FEMALE PARENT OF A CHILD OR CHILDREN AS DEFINED
29 BY LAW.

30 9. "SEX":

31 (a) MEANS A PERSON'S BIOLOGICAL SEX, EITHER MALE OR FEMALE, AT
32 BIRTH.

33 (b) INCLUDES ONLY TWO SEXES AND EVERY INDIVIDUAL IS EITHER A MALE
34 OR FEMALE. AN INDIVIDUAL WITH A DIFFERENCE IN SEX DEVELOPMENT DOES NOT
35 ESTABLISH A THIRD SEX. AN INDIVIDUAL WITH A CONGENITAL AND MEDICALLY
36 VERIFIABLE DISORDER OR DIFFERENCE IN SEX DEVELOPMENT MUST BE ACCOMMODATED
37 CONSISTENT WITH FEDERAL AND STATE LAW.

38 (c) IS OBJECTIVE AND FIXED.

39 (d) DOES NOT INCLUDE GENDER IDENTITY OR ANY OTHER TERM THAT IS
40 INTENDED TO CONVEY A PERSON'S SUBJECTIVE SENSE OF SELF AND MAY NOT BE USED
41 AS A SYNONYM OR SUBSTITUTE FOR THE TERM SEX.

1 1-902. Use of the term sex; sex discrimination; single-sex
2 environments; vital statistics related to sex

3 A. ANY POLICY, PROGRAM, RULE OR LAW THAT PROHIBITS SEX
4 DISCRIMINATION MUST PROHIBIT THE UNFAIR TREATMENT OF A FEMALE OR MALE IN
5 RELATION TO A SIMILARLY SITUATED MEMBER OF THE OPPOSITE SEX.

6 B. THIS STATE SHALL REPLACE THE STAND-ALONE TERM "GENDER" WITH
7 "SEX" IN ALL LAWS, RULES, PUBLICATIONS, ORDERS, ACTIONS, PROGRAMS,
8 POLICIES AND SIGNAGE. THIS STATE SHALL REVISE LAWS, RULES, PUBLICATIONS,
9 ORDERS, ACTIONS, PROGRAMS, POLICIES AND SIGNAGE TO USE THE TERM "SEX" IN
10 EACH PLACE THAT THE STAND-ALONE TERM "GENDER" IS USED ONLY WHEN UPDATES
11 ARE OTHERWISE NECESSARY.

12 C. THIS STATE AND A POLITICAL SUBDIVISION OF THIS STATE MAY PROVIDE
13 A SEPARATE SINGLE-SEX ENVIRONMENT FOR A MALE OR FEMALE IF THE SEXES ARE
14 NOT SIMILARLY SITUATED, PARTICULARLY WITH RESPECT TO BIOLOGY. A
15 SINGLE-SEX ENVIRONMENT INCLUDES ATHLETICS, LIVING FACILITIES, LOCKER
16 ROOMS, BATHROOMS, DOMESTIC VIOLENCE SHELTERS AND SEXUAL ASSAULT CRISES
17 CENTERS.

18 D. ANY PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT OR THIS STATE AND
19 ANY AGENCY, DEPARTMENT OR POLITICAL SUBDIVISION OF THIS STATE THAT
20 COLLECTS VITAL STATISTICS RELATED TO SEX TO COMPLY WITH STATE OR FEDERAL
21 ANTIDISCRIMINATION LAWS OR TO GATHER ACCURATE PUBLIC HEALTH, CRIME,
22 ECONOMIC OR OTHER DATA SHALL IDENTIFY EACH NATURAL PERSON WHO IS PART OF
23 THE COLLECTED DATA SET AS EITHER MALE OR FEMALE.

24 E. COMPLYING WITH SUBSECTION D OF THIS SECTION DOES NOT DO EITHER
25 OF THE FOLLOWING:

26 1. REQUIRE THE COLLECTION OF DATA REGARDING SEX UNLESS OTHERWISE
27 REQUIRED BY LAW.

28 2. PREVENT THE COLLECTION OF ADDITIONAL DATA POINTS OTHER THAN
29 BIOLOGICAL SEX.

30 Sec. 2. Purpose

31 The purpose of this act is to bring clarity, certainty and
32 uniformity to the laws of this state regarding sexual discrimination,
33 equality of the sexes and benefits or services that are specifically
34 provided to males and men and females and women.

35 Sec. 3. Severability

36 If a provision of this act or its application to any person or
37 circumstance is held invalid, the invalidity does not affect other
38 provisions or applications of the act that can be given effect without the
39 invalid provision or application, and to this end the provisions of this
40 act are severable.

41 Sec. 4. Short title

42 This act shall be known and cited as the "Arizona Women's Bill of
43 Rights".