SENATE BILL 1628

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:
Section 1. Title 1, Arizona Revised Statutes, is amended by adding chapter 9, to read:

CHAPTER 9
SEX-BASED TERMS IN LAW
ARTICLE 1. GENERAL PROVISIONS
1-901. Definitions for sex-based terms used in statutes, administrative rules, regulations and public policies

THE FOLLOWING TERMS HAVE THE FOLLOWING MEANINGS AS USED IN STATUTES, ADMINISTRATIVE RULES, REGULATIONS AND PUBLIC POLICIES ADOPTED BY THIS STATE OR BY A POLITICAL SUBDIVISION OF THIS STATE:
1. "BOY" MEANS A HUMAN MALE WHO HAS NOT YET REACHED ADULTHOOD.
2. "EQUAL, WITH RESPECT TO EQUALITY OF THE SEXES, DOES NOT MEAN SAME OR IDENTICAL.
3. "FATHER" MEANS A MALE PARENT OF A CHILD OR CHILDREN AS DEFINED BY LAW.
4. "FEMALE", WHEN USED IN REFERENCE TO A NATURAL PERSON, MEANS AN INDIVIDUAL WHO HAS, HAD, WILL HAVE OR WOULD HAVE, BUT FOR A DEVELOPMENTAL ANOMALY OR ACCIDENT, THE REPRODUCTIVE SYSTEM THAT AT SOME POINT PRODUCES OVA.
5. "GIRL" MEANS A HUMAN FEMALE WHO HAS NOT YET REACHED ADULTHOOD.
6. "MALE", WHEN USED IN REFERENCE TO A NATURAL PERSON, MEANS AN INDIVIDUAL WHO HAS, HAD, WILL HAVE OR WOULD HAVE, BUT FOR A DEVELOPMENTAL ANOMALY OR ACCIDENT, THE REPRODUCTIVE SYSTEM THAT AT SOME POINT PRODUCES SPERM FOR FERTILIZATION OF FEMALE OVA.
7. "MAN" MEANS AN ADULT HUMAN OF THE MALE SEX.
8. "MOTHER" MEANS A FEMALE PARENT OF A CHILD OR CHILDREN AS DEFINED BY LAW.
9. "SEX":
    (a) MEANS A PERSON'S BIOLOGICAL SEX, EITHER MALE OR FEMALE, AT BIRTH.
    (b) INCLUDES ONLY TWO SEXES AND EVERY INDIVIDUAL IS EITHER A MALE OR FEMALE. AN INDIVIDUAL WITH A DIFFERENCE IN SEX DEVELOPMENT DOES NOT ESTABLISH A THIRD SEX. AN INDIVIDUAL WITH A CONGENITAL AND MEDICALLY VERIFIABLE DISORDER OR DIFFERENCE IN SEX DEVELOPMENT MUST BE ACCOMMODATED CONSISTENT WITH FEDERAL AND STATE LAW.
    (c) IS OBJECTIVE AND FIXED.
    (d) DOES NOT INCLUDE GENDER IDENTITY OR ANY OTHER TERM THAT IS INTENDED TO CONVEY A PERSON'S SUBJECTIVE SENSE OF SELF AND MAY NOT BE USED AS A SYNONYM OR SUBSTITUTE FOR THE TERM SEX.
1. Any policy, program, rule or law that prohibits sex discrimination must prohibit the unfair treatment of a female or male in relation to a similarly situated member of the opposite sex.

2. This state shall replace the stand-alone term “gender” with “sex” in all laws, rules, publications, orders, actions, programs, policies and signage. This state shall revise laws, rules, publications, orders, actions, programs, policies and signage to use the term “sex” in each place that the stand-alone term “gender” is used only when updates are otherwise necessary.

3. This state and a political subdivision of this state may provide a separate single-sex environment for a male or female if the sexes are not similarly situated, particularly with respect to biology. A single-sex environment includes athletics, living facilities, locker rooms, bathrooms, domestic violence shelters and sexual assault crises centers.

4. Any public school or public school district or this state and any agency, department or political subdivision of this state that collects vital statistics related to sex to comply with state or federal antidiscrimination laws or to gather accurate public health, crime, economic or other data shall identify each natural person who is part of the collected data set as either male or female.

5. Complying with subsection D of this section does not do either of the following:

   1. Require the collection of data regarding sex unless otherwise required by law.
   2. Prevent the collection of additional data points other than biological sex.

Sec. 2. Purpose

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

Sec. 3. Severability

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

Sec. 4. Short title

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