



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

VETOED
FACT SHEET FOR S.B. 1628

sex-based terms; laws; rules; regulations

Purpose

Requires any policy, program, rule or law that prohibits sex discrimination to prohibit the unfair treatment of a female or male in relation to a similarly situated member of the opposite sex. Requires the state to replace the stand-alone term *gender* with *sex* in all laws, rules, publications, orders, actions, programs, policies and signage when updates are necessary. Provides statutory definitions for *boy, father, female, girl, male, man, mother* and *sex*.

Background

Under Title VII of the Civil Rights Act of 1964, it is illegal to discriminate against an employee or applicant on the basis of race, color, religion, sex, including gender identity and sexual orientation, as well as national origin. It also prohibits retaliation against a person that complains about discrimination, files discrimination charges or participated in an employment discrimination investigation or lawsuit. Any practices that seem neutral but have a disproportionate impact on a protected group of people are also prohibited. Additional protections on the basis of age, disability, veteran status, pregnancy and genetic information also exist by way other federal laws ([FTC](#)).

Statute declares it unlawful for an employer to: 1) refuse to hire, discharge or discriminate against an individual on the basis of race, color, religion, sex, age, national origin, disability or genetic testing results; or 2) limit, segregate or classify employees or applicants in a way that deprives the individual of employment opportunities because of the individual's race, color, religion, sex, age, national origin or disability ([A.R.S. § 41-1463](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

Antidiscrimination

1. Requires any policy, program, rule or law that prohibits sex discrimination to prohibit the unfair treatment of a female or male in relation to a similar situated member of the opposite sex.
2. Requires the state to replace the stand-alone term *gender* with *sex* in all laws, rules, publications, orders, actions, programs, policies and signage, but only when updates are otherwise necessary.

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

Definitions

4. Defines *boy* as a human male who has not yet reached adulthood.
5. Defines *father* as a male parent of a child or children.
6. Defines *female* as, when used in reference to a natural person, 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.
7. Defines *girl* as a human female who has not yet reached adulthood.
8. Defines *male* as, when used in reference to a natural person, 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.
9. Defines *man* as an adult human of the male sex.
10. Defines *mother* as a female parent of a child or children.
11. Specifies that the term *equal*, with respect to equality of the sexes, does not mean same or identical.
12. Specifies that the term *sex*:
 - a) means a person's biological sex, either male or female, at birth;
 - b) only includes two sexes and every individual is either a male or female;
 - c) is objective and fixed; and
 - 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*.

Miscellaneous

13. Requires each of the following entities that collect vital statistics for purposes of compliance with state or federal antidiscrimination laws, or to gather accurate public health, crime, economic or other data, to identify each natural person in a collected data set as either male or female:
 - a) public schools and public school districts
 - b) the state
 - c) a political subdivision of the state; or
 - d) a state agency or department.
14. Specifies that sex-specific data requirements do not require the collection of data regarding sex, unless otherwise required by law, or prevent the collection of additional data points other than biological sex.

15. States that the purpose of this legislation is to bring clarity, certainty and uniformity to Arizona laws regarding sexual discrimination, equality of the sexes and benefits or services that are specifically provided to males, men, females and women.
16. Asserts than an individual with a difference in sex development does not establish a third sex.
17. Requires individuals with a congenital or medically verifiable disorder or difference in sex development to be accommodated consistent with federal and state law.
18. Contains a severability clause.
19. Requires this Act to be known and cited as the *Arizona Women's Bill of Rights*.
20. Becomes effective on the general effective date.

Governor's Veto Message

The Governor indicates in her [veto message](#) that she will not sign legislation that attacks Arizonans.

Senate Action

HHS 2/13/24 DP 4-3-0
3rd Read 2/22/24 16-13-1

House Action

JUD 3/6/24 DP 6-3-0-0
3rd Read 4/3/24 31-28-0-0-1

Vetoed by the Governor on 4/16/24

Prepared by Senate Research
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MM/sdr/slp