

By: Representative Hobgood-Wilkes

To: Judiciary A

HOUSE BILL NO. 1144

1 AN ACT TO CREATE THE TITLE IX PRESERVATION ACT; TO STATE  
 2 LEGISLATIVE INTENT; TO PROVIDE INTERPRETATION AND CLARIFICATION OF  
 3 CERTAIN TERMS RELATING TO TITLE IX OF THE FEDERAL CODE; TO CLARIFY  
 4 TERMS FOR THE PURPOSES OF STATE LAW; TO PROVIDE THAT POLICIES AND  
 5 LAWS THAT DISTINGUISH BETWEEN THE SEXES ARE SUBJECT TO  
 6 INTERMEDIATE CONSTITUTIONAL SCRUTINY; TO REQUIRE ANY PUBLIC  
 7 SCHOOL, SCHOOL DISTRICT, STATE OR LOCAL AGENCY, DEPARTMENT, OR  
 8 OFFICE THAT COLLECTS VITAL STATISTICS FOR THE PURPOSE OF COMPLYING  
 9 WITH ANTI-DISCRIMINATION LAWS OR FOR THE PURPOSE OF GATHERING  
 10 ACCURATE PUBLIC HEALTH, CRIME, ECONOMIC OR OTHER DATA TO IDENTIFY  
 11 EACH INDIVIDUAL WHO IS PART OF THE COLLECTED DATA SET AS EITHER  
 12 MALE OR FEMALE AT BIRTH; AND FOR RELATED PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 **SECTION 1.** This act shall be known and may be cited as  
 15 "Title IX Preservation Act."

16 **SECTION 2.** The Legislature finds that:

17 (a) Males and females possess unique and immutable  
 18 biological differences that manifest prior to birth and increase  
 19 as they age and experience puberty;

20 (b) Biological differences between the sexes means that  
 21 only females are able to get pregnant, give birth, and breastfeed  
 22 children;



23 (c) Biological differences between the sexes means that  
24 males are, on average, bigger, stronger, and faster than females;

25 (d) Biological differences between the sexes leave  
26 females more physically vulnerable than males to specific forms of  
27 violence, including sexual violence;

28 (e) Females have historically suffered from  
29 discrimination in education, athletics, and employment;

30 (f) Biological differences between the sexes are  
31 enduring and may, in some circumstances, warrant the creation of  
32 separate social, educational, athletic, or other spaces in order  
33 to ensure safety and/or to allow members of each sex to succeed  
34 and thrive; and

35 (g) Inconsistencies in court rulings and policy  
36 initiatives with respect to the definitions of "sex," "male,"  
37 "female," "man," and "woman" have led to endangerment of  
38 single-sex spaces and resources, thereby necessitating  
39 clarification of certain terms.

40 **SECTION 3.** For purposes of state law:

41 (a) A person's "sex" is defined as his or her biological  
42 sex, either male or female, at birth;

43 (b) A "female" is an individual whose biological  
44 reproductive system is developed to produce ova; a "male" is an  
45 individual whose biological reproductive system is developed to  
46 fertilize the ova of a female;



47 (c) "Woman" and "girl" refer to human females, and the  
48 terms "man" and "boy" refer to human males;

49 (d) The word "mother" is defined as a parent of the  
50 female sex and "father" is defined as a parent of the male sex;

51 (e) When it comes to sex, "equal" does not mean "same"  
52 or "identical"; and

53 (f) When it comes to sex, separate is not inherently  
54 unequal.

55 **SECTION 4.** There are legitimate reasons to distinguish  
56 between the sexes with respect to athletics, prisons or other  
57 detention facilities, domestic violence shelters, rape crisis  
58 centers, locker rooms, restrooms, and other areas where biology,  
59 safety, and/or privacy are implicated.

60 **SECTION 5.** Policies and laws that distinguish between the  
61 sexes are subject to intermediate constitutional scrutiny, which  
62 forbids unfair discrimination against similarly-situated males and  
63 females but allows the law to distinguish between the sexes where  
64 such distinctions are substantially related to important  
65 governmental objectives.

66 **SECTION 6.** Any public school or school district and any  
67 state or local agency, department, or office that collects vital  
68 statistics for the purpose of complying with anti-discrimination  
69 laws or for the purpose of gathering accurate public health,  
70 crime, economic or other data shall identify each individual who



71 is part of the collected data set as either male or female at  
72 birth.

73           **SECTION 7.** This act shall take effect and be in force from  
74 and after July 1, 2023.

