SENATE BILL NO. 2076

AN ACT TO ENACT THE TITLE IX PRESERVATION ACT; TO PROVIDE INTERPRETATION AND CLARIFICATION OF CERTAIN TERMS RELATING TO TITLE IX OF THE FEDERAL CODE; TO STATE LEGISLATIVE INTENT; TO CLARIFY TERMS FOR THE PURPOSES OF STATE LAW; TO PROVIDE THAT POLICIES AND LAWS THAT DISTINGUISH BETWEEN THE SEXES ARE SUBJECT TO INTERMEDIATE CONSTITUTIONAL SCRUTINY; TO REQUIRE THE STATE OR A LOCAL GOVERNMENTAL ENTITY TO DISAGGREGATE THE DATA OF INDIVIDUALS BY SEX BASED ON THE BIOLOGICAL SEX OF INDIVIDUALS AT BIRTH WHEN THE STATE OR LOCAL GOVERNMENTAL ENTITY GATHERS THE DATA OF INDIVIDUALS THAT IS DISAGGREGATED BY SEX; AND FOR RELATED PURPOSES.

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

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

SECTION 2. The Legislature finds and declares that:

(a) Males and females possess unique and immutable biological differences that manifest prior to birth and increase with age and puberty;

(b) Biological differences between the sexes mean that only females can get pregnant, give birth and breastfeed children;
(c) Biological differences between the sexes mean that males are, on average, larger in size and possess greater body strength than females;

(d) Whereas biological differences between the sexes can expose females to greater harm than males from specific forms of violence, including sexual violence;

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

(f) Females have achieved inspirational and significant accomplishments in education, athletics and employment;

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

(g) When it comes to sex:

(i) "Equal" does not mean "same" or "identical";

and

(ii) Separate is not inherently unequal; and

(h) Recent misguided court rulings and policy initiatives relating to the definition of "sex" have led to the endangerment of single-sex spaces and resources dedicated to women, thereby necessitating clarification of certain terms.

**SECTION 3.** For the purposes of State law:

(a) The "sex" of an individual means his or her biological sex (either male or female) at birth.
(b) The terms "woman" and "girl" refer to human females.
(c) The terms "man" and "boy" refer to human males.
(d) The word "mother" refers to a parent of the female sex.
(e) The word "father" refers to a parent of the male sex.

SECTION 4. (1) There are important reasons to distinguish between the sexes with respect to athletics, prisons, domestic violence shelters, restrooms, and with respect to other areas, particularly where biology, safety and privacy are implicated.
(2) Policies and laws that distinguish between the sexes are subject to intermediate constitutional scrutiny and permitted when they serve an important governmental objective and are substantially related to achieving that objective.

SECTION 5. When the State or a local governmental entity gathers data of individuals that is disaggregated by sex, the state or local governmental entity shall disaggregate the data of individuals by sex based on the biological sex of individuals at birth.

SECTION 6. Any person who suffers any direct or indirect harm as a result of a violation of this act shall have a private cause of action for injunctive relief, damages and any other relief available under law against the state or its political subdivision causing the harm.
SECTION 7. This act shall take effect and be in force from and after July 1, 2023.