

By: Senator(s) Hill

To: Judiciary, Division A;
Education

SENATE BILL NO. 2076

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

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

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

15 **SECTION 2.** The Legislature finds and declares that:

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

19 (b) Biological differences between the sexes mean that
 20 only females can get pregnant, give birth and breastfeed children;



21 (c) Biological differences between the sexes mean that
22 males are, on average, larger in size and possess greater body
23 strength than females;

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

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

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

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

35 (g) When it comes to sex:

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

38 (ii) Separate is not inherently unequal; and

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

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

44 (a) The "sex" of an individual means his or her
45 biological sex (either male or female) at birth.



46 (b) The terms "woman" and "girl" refer to human
47 females.

48 (c) The terms "man" and "boy" refer to human males.

49 (d) The word "mother" refers to a parent of the female
50 sex.

51 (e) The word "father" refers to a parent of the male
52 sex.

53 **SECTION 4.** (1) There are important reasons to distinguish
54 between the sexes with respect to athletics, prisons, domestic
55 violence shelters, restrooms, and with respect to other areas,
56 particularly where biology, safety and privacy are implicated.

57 (2) Policies and laws that distinguish between the sexes are
58 subject to intermediate constitutional scrutiny and permitted when
59 they serve an important governmental objective and are
60 substantially related to achieving that objective.

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

66 **SECTION 6.** Any person who suffers any direct or indirect
67 harm as a result of a violation of this act shall have a private
68 cause of action for injunctive relief, damages and any other
69 relief available under law against the state or its political
70 subdivision causing the harm.



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

