

By: Senator(s) Hill, Branning

To: Judiciary, Division A

SENATE BILL NO. 2773

1 AN ACT TO ENACT THE DEFENSE OF TITLE IX ACT; TO PROVIDE  
 2 INTERPRETATION AND CLARIFICATION OF CERTAIN TERMS RELATING TO  
 3 TITLE IX OF THE FEDERAL CODE; TO STATE LEGISLATIVE FINDINGS AND  
 4 INTENT; TO CLARIFY TERMS FOR THE PURPOSES OF STATE LAW; TO PROVIDE  
 5 THAT POLICIES AND LAWS THAT DISTINGUISH BETWEEN THE SEXES ARE  
 6 SUBJECT TO INTERMEDIATE CONSTITUTIONAL SCRUTINY; AND FOR RELATED  
 7 PURPOSES.

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

9 **SECTION 1.** (1) This section shall be known and may be cited  
 10 as "The Defense of Title IX Act."

11 (2) The Legislature finds and declares that:

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

15 (b) Biological differences between the sexes mean that  
 16 only females can get pregnant, give birth and breastfeed children.

17 (c) Biological differences between the sexes mean that  
 18 males are, on average, larger in size and possess greater body  
 19 strength than females.



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

23 (e) Females have historically suffered from  
24 discrimination in education, athletics and employment.

25 (f) Females have achieved inspirational and significant  
26 accomplishments in education, athletics and employment.

27 (g) Biological differences between the sexes are  
28 enduring and may, in some circumstances, warrant the creation of  
29 separate social, educational, athletic or other spaces in order to  
30 ensure safety and/or to allow members of each sex to succeed and  
31 thrive.

32 (h) When it comes to sex:

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

35 (ii) Separate is not inherently unequal.

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

40 (3) Therefore, it is the intent of the Legislature that:

41 (a) For purposes of state/federal law, a person's "sex"  
42 is defined as his or her biological sex (either male or female) at  
43 birth.



44 (b) For purposes of state/federal law, a 'female' is an  
45 individual whose biological reproductive system is developed to  
46 produce ova; a 'male' is an individual whose biological  
47 reproductive system is developed to fertilize the ova of a female.

48 (c) For purposes of state/federal law, 'woman' and  
49 'girl' refer to human females, and the terms 'man' and 'boy' refer  
50 to human males.

51 (d) For purposes of state/federal law, the word  
52 'mother' is defined as a parent of the female sex and 'father' is  
53 defined as a parent of the male sex.

54 (e) When it comes to sex, 'equal' does not mean 'same'  
55 or 'identical'.

56 (f) When it comes to sex, separate is not inherently  
57 unequal.

58 (g) There are legitimate reasons to distinguish between  
59 the sexes with respect to athletics, prisons or other detention  
60 facilities, domestic violence shelters, rape crisis centers,  
61 locker rooms, restrooms, and other areas where biology, safety,  
62 and/or privacy are implicated.

63 (h) Policies and laws that distinguish between the  
64 sexes are subject to intermediate constitutional scrutiny, which  
65 forbids unfair discrimination against similarly-situated males and  
66 females but allows the law to distinguish between the sexes where  
67 such distinctions are substantially related to important  
68 governmental objectives.



69                   (i) Any public school or school district and any  
70 federal/state/local agency, department, or office that collects  
71 vital statistics for the purpose of complying with  
72 anti-discrimination laws or for the purpose of gathering accurate  
73 public health, crime, economic or other data shall identify each  
74 individual who is part of the collected data set as either male or  
75 female at birth.

76                   **SECTION 2.** This act shall take effect and be in force from  
77 and after July 1, 2023.

