

By: Senator(s) Robinson, Rhodes

To: Judiciary, Division A

SENATE BILL NO. 2812

1 AN ACT TO STATE LEGISLATIVE FINDINGS REGARDING MEN AND WOMEN
 2 CONCERNING THEIR STATUS AS LEGALLY EQUAL BUT POSSESSING UNIQUE AND
 3 IMMUTABLE BIOLOGICAL DIFFERENCES THAT MANIFEST PRIOR TO BIRTH AND
 4 INCREASE AS THEY AGE AND EXPERIENCE PUBERTY; TO CREATE NEW SECTION
 5 1-3-40, MISSISSIPPI CODE OF 1972, TO DEFINE THE TERMS OF "WOMAN,"
 6 "MAN," "GIRL," "BOY," "MOTHER," "FATHER," "MALE," "FEMALE" AND
 7 "SEX" WHEN THE TERMS ARE USED IN ANY STATUTE IN ORDER TO PREVENT
 8 UNJUST DISCRIMINATION, MAINTAIN SAFETY, PROTECT PRIVACY, AND
 9 ENSURE FAIRNESS; TO PROVIDE FOR SEVERABILITY OF THE ACT; AND FOR
 10 RELATED PURPOSES.

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

12 **SECTION 1.** The Legislature finds and declares that:

13 (a) Men and women are legally equal but possess unique
 14 and immutable biological differences that manifest prior to birth
 15 and increase as they age and experience puberty.

16 (b) The State of Mississippi has an important interest
 17 in preventing unjust sex discrimination and in maintaining safety,
 18 privacy and fairness for all Mississippians.

19 (c) Biological differences between the sexes are
 20 enduring and may, in some circumstances, warrant the creation of
 21 separate social, educational, athletic, or other spaces in order



22 to ensure safety and/or to allow members of each sex to succeed
23 and thrive.

24 (d) Inconsistencies in court rulings and policy
25 initiatives regarding sex discrimination and common sex-based
26 words have endangered women's rights and resources and have put
27 the existence of sex-based legal distinctions in jeopardy.

28 (e) "Sex" is objective and fixed. There are only two
29 sexes, and every individual is either male or female.

30 (f) "Equal" does not necessarily mean "same" or
31 "identical" with respect to the treatment of persons of different
32 sexes because there are objective, immutable and enduring physical
33 differences between males and females.

34 (g) Persons with "DSD conditions" (sometimes referred to
35 as "differences in sex development," "disorders of sex
36 development," or "intersex conditions") are not members of a third
37 sex. Persons with a congenital and medically verifiable DSD
38 diagnosis must be accommodated consistently with state and federal
39 law.

40 **SECTION 2.** The following shall be codified as Section
41 1-3-40, Mississippi Code of 1972:

42 1-3-40. In order to prevent unjust discrimination, maintain
43 safety, protect privacy and ensure fairness, the following terms
44 shall be defined accordingly:

45 (a) A "woman" is an adult human of the female sex.

46 (b) A "man" is an adult human of the male sex.



47 (c) (i) A "girl" is a human female who is a legal
48 minor as defined by Section 1-3-27.

49 (ii) A "boy" is a human male who is a minor as
50 defined by Section 1-3-27.

51 (iii) The term "girl" or "boy," when used in any
52 statute in reference to the participation of a high-school-aged
53 individual in a school or extracurricular program, shall not be
54 understood to exclude the participation of a student who is a
55 "woman" or "man," respectively.

56 (d) A "mother" is a female parent of a child or
57 children.

58 (e) A "father" is a male parent of a child or children.

59 (f) The term "female," when used in any statute in
60 reference to a natural person, means an individual who has, had,
61 will have through the course of normal development, or would have
62 (but for a developmental anomaly, genetic anomaly, or accident)
63 the reproductive system that at some point produces ova.

64 (g) The term "male," when used in any statute in
65 reference to a natural person, means an individual who has, had,
66 will have through the course of normal development, or would have
67 but for a developmental anomaly, genetic anomaly, or accident the
68 reproductive system that at some point produces sperm.

69 (h) The term "sex," when used in any statute in
70 reference to a person's sex, means his or her biological sex
71 (either male or female) as observed or clinically verified at



72 birth. "Sex" does not include "gender identity" or any other
73 terms intended to convey a person's subjective sense of self.
74 "Gender identity" and other such subjective terms may not be used
75 as synonyms or substitutes for "sex."

76 **SECTION 3.** This act shall severable as provided by Section
77 1-3-77.

78 **SECTION 4.** This act shall take effect and be in force from
79 and after its passage.

