

By: Senator(s) Hill

To: Judiciary, Division A;  
Education

SENATE BILL NO. 2814

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, "equal" does not mean "same"  
36 or "identical"; and

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

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

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

44 (b) The terms "woman" and "girl" refer to human  
45 females.



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

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

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

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

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

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

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

69 **SECTION 7.** This act shall take effect and be in force from  
70 and after July 1, 2024.

