

HB405 INTRODUCED



1 1FAVLL-1

2 By Representatives DuBose, Mooney, Robertson, Hammett,
3 Stadthagen, Butler, Harrison, Hulsey, Yarbrough, Sellers,
4 Shaw, Shaver, Ingram, Baker, Lamb, Gidley, Givens, Fidler,
5 Standridge, Sells, Oliver, Hurst, Woods

6 RFD: Health

7 First Read: 27-Apr-23

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9 2023 Regular Session



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SYNOPSIS:

This bill would create the What is a Woman Act and provide legislative findings relating to the distinctions between men and women.

This bill would define man, woman, boy, girl, father, mother, male, female, and sex for purposes of use of the terms in the Code of Alabama 1975.

This bill would require the state or political subdivisions that collect vital statistics for certain purposes to identify each individual as either male or female at birth.

This bill would also delete obsolete or unnecessary definitions and make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to definitions used in state law; to provide legislative findings; to amend Section 1-1-1, Code of Alabama 1975, to define terms and delete obsolete or unnecessary definitions; to require vital statistics records to identify



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29 each individual as male or female at birth; and to make
30 nonsubstantive, technical revisions to update the existing
31 code language to current style.

32 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

33 Section 1. This act shall be known as the What Is A
34 Woman Act.

35 Section 2. (a) The Legislature finds and declares all
36 of the following:

37 (1) For purposes of state law, an individual's "sex" is
38 defined as his or her biological sex, either male or female,
39 at birth.

40 (2) For purposes of state law, a "female" is an
41 individual whose biological reproductive system is designed to
42 produce ova, and a "male" is an individual whose biological
43 reproductive system is designed to fertilize the ova of a
44 female.

45 (3) For purposes of state law, "woman" and "girl" refer
46 to human females, and the terms "man" and "boy" refer to human
47 males.

48 (4) For purposes of state law, "mother" is defined as a
49 parent that is of the female sex, and the term "father" is
50 defined as a parent that is of the male sex.

51 (5) When it comes to sex, "equal" does not mean "same"
52 or "identical."

53 (6) When it comes to sex, "separate" is not inherently
54 unequal.

55 (7) An individual born with a medically verifiable
56 diagnosis of "disorder or difference in sex development" shall



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57 be provided legal protections and accommodations afforded under
58 the federal Americans with Disabilities Act.

59 (8) Notwithstanding any state law to the contrary,
60 there are legitimate reasons to distinguish between the sexes
61 with respect to athletics, prisons or other detention
62 facilities, domestic violence shelters, rape crisis centers,
63 locker rooms, bathrooms, and other areas where biology,
64 safety, or privacy are implicated.

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

71 Section 3. Any school district or public school, and
72 any state agency, department, bureau, or commission, or
73 political subdivision that collects vital statistics for the
74 purpose of complying with anti-discrimination laws or for the
75 purpose of gathering accurate public health, crime, economic,
76 or other data shall identify each individual who is part of
77 the collected data set as either male or female at birth.

78 Section 4. Nothing in Sections 2 or 3 shall be
79 construed to prohibit the state or any political subdivision
80 of the state from complying with federal laws or regulations
81 or other requirements governing federal grants or funding.

82 Section 5. Section 1-1-1, Code of Alabama 1975, is
83 amended to read as follows:

84 "§1-1-1



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85 The following words, whenever they appear in this
86 ~~Codecode, shall have the signification attached to them in~~
87 ~~this section~~ have the following meanings unless otherwise
88 apparent from the context:

89 (1) BOY. A male who is under 19 years of age.

90 (2) FATHER. The male parent of a child or children.

91 (3) FEMALE. An individual whose biological reproductive
92 system is designed to produce ova.

93 (4) GIRL. A female who is under 19 years of age.

94 (6) MALE. An individual whose biological reproductive
95 system is designed to fertilize the ova of a female.

96 (7) MAN. An adult individual who is a male.

97 (9) MOTHER. The female parent of a child or children.

98 (10) PERSON. ~~The word "person" includes a corporation~~
99 ~~as well as a natural person~~Includes an individual,
100 corporation, partnership, company, or other business entity.

101 ~~(2) WRITING. The word "writing" includes typewriting~~
102 ~~and printing on paper.~~

103 ~~(3) OATH. The word "oath" includes affirmation.~~

104 (14) SEX. An individual's biological sex at birth.

105 ~~(4) (15) SIGNATURE or SUBSCRIPTION. The words~~
106 ~~"signature" or "subscription" include~~ Includes a mark when ~~the~~
107 ~~person~~ an individual cannot write, if his or her name is
108 written near the mark, and witnessed by ~~a person~~ an individual
109 who writes his or her own name as a witness, ~~and include with~~
110 ~~respect to corporate securities facsimile signature placed~~
111 ~~upon any instrument or writing with intent to execute or~~
112 ~~authenticate such instrument or writing.~~



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113 ~~(5) LUNATIC, INSANE or NON COMPOS MENTIS. The words~~
114 ~~"lunatic" or "insane" or the term "non compos mentis" include~~
115 ~~all persons of unsound mind.~~

116 ~~(6) (12) PROPERTY. The word "property" includes~~ Includes
117 both real and personal property.

118 ~~(7) (13) REAL PROPERTY. The term "real property"~~
119 ~~includes~~ Includes lands, tenements, and hereditaments.

120 ~~(8) (11) PERSONAL PROPERTY. The term "personal property"~~
121 ~~includes~~ Includes money, goods, chattels, things in action, and
122 and evidence of debt, deeds, and conveyances.

123 ~~(9) CIRCUIT. The word "circuit" means judicial~~
124 ~~circuit.~~

125 ~~(10) PRECEDING. The word "preceding" means next before.~~

126 ~~(11) FOLLOWING. The word "following" means next after.~~

127 ~~(12) (16) STATE. The word "state," when~~ When applied to
128 the different parts of the United States, includes the
129 District of Columbia and the several territories of the United
130 States.

131 ~~(13) (17) UNITED STATES. The term "United States"~~
132 ~~includes~~ Includes the territories thereof and the District of
133 Columbia.

134 ~~(14) (5) JURY or JURIES. The words "jury" or "juries"~~
135 ~~include~~ Includes courts or judges in all cases when a jury
136 trial is waived, or when the court or judge is authorized to
137 ascertain and determine the facts as well as the law.

138 ~~(15) (8) MONTH. The word "month" means a~~ A calendar
139 month.

140 (18) WOMAN. An adult individual who is female.



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141 ~~(16)~~(19) YEAR. ~~The word "year" means a~~ A calendar
142 year, ~~;~~ ~~but,~~ except whenever the word "year" is used in
143 reference to any appropriations for the payment of money out
144 of the treasury, ~~it shall mean~~ the term shall mean the fiscal
145 year."

146 Section 6. This act shall become effective on the first
147 day of the third month following its passage and approval by
148 the Governor, or its otherwise becoming law.