

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 408

6 By: Garvin, Hamilton,
7 Bergstrom, Rogers,
8 Seifried, Daniels, Jett,
9 and Bullard of the Senate

10 and

11 Hasenbeck of the House

12 COMMITTEE SUBSTITUTE

13 An Act relating to discrimination; enacting the
14 Women's Bill of Rights; stating purpose of act;
15 clarifying application and interpretation of act;
16 amending 25 O.S. 2021, Sections 16, 1101, and 1201,
17 which relate to definitions and general provisions;
18 defining terms; construing provisions; authorizing
19 distinctions for certain purposes; defining term;
20 requiring certain identification in collection of
21 data for certain purposes; providing for
22 noncodification; providing for codification; and
23 providing an effective date.

24 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

A. This act shall be known and may be cited as the "Women's
Bill of Rights".

1 B. The purpose of the Women's Bill of Rights is to bring
2 clarity, certainty, and uniformity under the laws of this state with
3 respect to natural persons of both biological sexes and the manner
4 in which they are treated as such under the laws of this state. All
5 laws where the application thereof is contingent upon the
6 classification of a person as being female or male, woman or man,
7 girl or boy, are hereby superseded and interpreted to the extent
8 necessary by this act including but not limited to any educational
9 benefits, corrections housing, employment protections, and civil
10 rights laws codified in the statutes of this state.

11 SECTION 2. AMENDATORY 25 O.S. 2021, Section 16, is
12 amended to read as follows:

13 Section 16. ~~The word "person,"~~ As used in the Oklahoma
14 Statutes:

15 1. "Father" means the male parent of a child or children as
16 defined in Section 7 of this title;

17 2. "Female" means a natural person whose biological
18 reproductive system is designed to produce ova;

19 3. "Male" means a natural person whose biological reproductive
20 system is designed to fertilize the ova of a female;

21 4. "Man" or "boy" means a natural person who is male;

22 5. "Mother" means the female parent of a child or children as
23 defined in Section 7 of this title;

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1 6. "Natural person" means a person as defined in paragraph 7 of
2 this section, except for bodies politic or corporate;

3 7. "Person", except when used by way of contrast, includes not
4 only human beings, but bodies politic or corporate;

5 8. "Sex" means a natural person's biological sex at birth; and

6 9. "Woman" or "girl" means a natural person who is female.

7 SECTION 3. AMENDATORY 25 O.S. 2021, Section 1101, is
8 amended to read as follows:

9 Section 1101. A. This act provides for exclusive remedies
10 within the state of the policies for individuals alleging
11 discrimination in employment on the basis of race, color, national
12 origin, sex, religion, creed, age, disability or genetic
13 information.

14 B. This act shall be construed according to the fair import of
15 its terms to further the general purposes stated in this section and
16 the special purposes of the particular provision involved.

17 C. Any policy, program, or statute that prohibits sex
18 discrimination is to be construed to forbid unfair treatment of
19 females or males in relation to similarly situated members of the
20 opposite sex. The state or its political subdivisions shall not be
21 prohibited from establishing distinctions between sexes when such
22 distinctions are substantially related to an important government
23 objective including but not limited to biology, privacy, safety, or
24 fairness.

1 SECTION 4. AMENDATORY 25 O.S. 2021, Section 1201, is
2 amended to read as follows:

3 Section 1201. In Section 1101 et seq. of this title, unless the
4 context otherwise requires:

5 1. "Discriminatory practice" means a practice designated as
6 discriminatory under the terms of this act;

7 2. "Equal", with reference to sex as defined in Section 16 of
8 this title, shall not be construed to mean same or identical, and to
9 differentiate between the sexes shall not necessarily be construed
10 to be treating the sexes unequally;

11 3. "National origin" includes the national origin of an
12 ancestor; and

13 ~~3.~~ 4. "Person" includes an individual, association,
14 corporation, joint apprenticeship committee, joint-stock company,
15 labor union, legal representative, mutual company, partnership,
16 receiver, trust, trustee, trustee in bankruptcy, unincorporated
17 organization, any other legal or commercial entity, the state, or
18 any governmental entity or agency.

19 SECTION 5. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1202 of Title 25, unless there
21 is created a duplication in numbering, reads as follows:

22 The state, any political subdivision, or any state agency or
23 department including, but not limited to, public school districts
24 that collects vital statistics for the purpose of gathering accurate

1 public health, crime, economic or other data shall include, but not
2 be limited to, the identification of any natural person who is part
3 of the collected data as either male or female as defined in Section
4 16 of Title 25 of the Oklahoma Statutes.

5 SECTION 6. This act shall become effective November 1, 2023.

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