AN ACT establishing the women's bill of rights; providing a meaning of biological sex for purposes of statutory construction.

WHEREAS, Male and female individuals possess unique and immutable biological differences that manifest prior to birth and increase as such individuals age and experience puberty; and

WHEREAS, Biological differences between the sexes mean that only female individuals are able to become pregnant, give birth and breastfeed children; and

WHEREAS, Biological differences between the sexes mean that male individuals are, on average, bigger, stronger and faster than female individuals; and

WHEREAS, Biological differences between the sexes leave female individuals more physically vulnerable than male individuals to specific forms of violence, including sexual violence; and

WHEREAS, Female individuals have historically suffered from discrimination in education, athletics and employment; and

WHEREAS, Biological differences between the sexes are enduring and may, in some circumstances, warrant the creation of separate social, educational, athletics or other spaces in order to ensure safety and to allow members of each sex to succeed and thrive; and

WHEREAS, Inconsistencies in court rulings and policy initiatives with respect to the definitions of "sex," "male," "female," "man" and "woman" have led to the endangerment of single-sex spaces and resources thereby necessitating the clarification of certain terms.

Now, therefore:

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) Notwithstanding any provision of state law to the contrary, with respect to the application of an individual's biological sex pursuant to any state law or rules and regulations, the following shall apply:

(1) An individual's "sex" means such individual's biological sex, either male or female, at birth;

(2) A "female" is an individual whose biological reproductive system is developed to produce ova, and a "male" is an individual whose biological reproductive system is developed to fertilize the ova of a
female;
(3) the terms "woman" and "girl" refer to human females, and the terms "man" and "boy" refer to human males;
(4) the term "mother" means a parent of the female sex, and the term "father" means a parent of the male sex;
(5) with respect to biological sex, the term "equal" does not mean "same" or "identical"; and
(6) with respect to biological sex, separate accommodations are not inherently unequal; and
(7) an individual born with a medically verifiable diagnosis of "disorder/differences in sex development" shall be provided legal protections and accommodations afforded under the Americans with disabilities act and applicable Kansas statutes.
(b) Laws and rules and regulations that distinguish between the sexes are subject to intermediate constitutional scrutiny. Intermediate constitutional scrutiny forbids unfair discrimination against similarly situated male and female individuals but allows the law to distinguish between the sexes where such distinctions are substantially related to important governmental objectives. Notwithstanding any provision of state law to the contrary, distinctions between the sexes with respect to athletics, prisons or other detention facilities, domestic violence shelters, rape crisis centers, locker rooms, restrooms and other areas where biology, safety or privacy are implicated that result in separate accommodations are substantially related to the important governmental objectives of protecting the health, safety and privacy of individuals in such circumstances.
(c) Any school district, or public school thereof, and any state agency, department or office or political subdivision that collects vital statistics for the purpose of complying with anti-discrimination laws or for the purpose of gathering accurate public health, crime, economic or other data shall identify each individual who is part of the collected data set as either male or female at birth.
Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.