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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



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. The Legislature finds and declares all of
36 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



57 be provided legal protections and accommodations afforded
58 under 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 as determined
78 at birth. This section shall not be construed to prohibit the
79 entry of "unknown" as the sex on a child's certificate of
80 birth when sex cannot be medically determined for
81 developmental or other reasons at the time the facts of birth,
82 fetal death, or death are reported to the office of vital
83 statistics.

84 Section 4. Nothing in Sections 2 or 3 shall be



85 construed to prohibit the state or any political subdivision
86 of the state from complying with federal laws or regulations
87 or other requirements governing federal grants or funding.

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

90 "§1-1-1

91 The following words, whenever they appear in this
92 ~~Codecode, shall have the signification attached to them in~~
93 ~~this section~~have the following meanings unless otherwise
94 apparent from the context:

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

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

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

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

100 (7) MALE. An individual whose biological reproductive
101 system is designed to fertilize the ova of a female.

102 (8) MAN. An adult individual who is a male.

103 (10) MOTHER. The female parent of a child or children.

104 (11) PERSON. ~~The word "person" includes a corporation~~
105 ~~as well as a natural person~~Includes an individual,
106 corporation, partnership, company, or other business entity.

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

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

110 (15) SEX. The biological state of being male or female
111 at birth based on the individual's sex organs and chromosomes.

112 ~~(4) (16) SIGNATURE or SUBSCRIPTION. The words~~



113 ~~"signature" or "subscription" include~~ Includes a mark when ~~the~~
114 ~~person~~ an individual cannot write, if his or her name is
115 written near the mark, and witnessed by ~~a person~~ an individual
116 who writes his or her own name as a witness, ~~and include with~~
117 ~~respect to corporate securities facsimile signature placed~~
118 ~~upon any instrument or writing with intent to execute or~~
119 ~~authenticate such instrument or writing.~~

120 (5) ~~LUNATIC,~~ INSANE or NON COMPOS MENTIS. ~~The words~~
121 ~~"lunatic" or "insane" or the term "non compos mentis" include~~
122 ~~all persons~~ Includes an individual where a formal
123 determination has been made by an expert or by a court that
124 the individual is of unsound mind.

125 ~~(6)~~ (13) PROPERTY. ~~The word "property" includes~~ Includes
126 both real and personal property.

127 ~~(7)~~ (14) REAL PROPERTY. ~~The term "real property"~~
128 ~~includes~~ Includes lands, tenements, and hereditaments.

129 ~~(8)~~ (12) PERSONAL PROPERTY. ~~The term "personal property"~~
130 ~~includes~~ Includes money, goods, chattels, things in action, and
131 and evidence of debt, deeds, and conveyances.

132 ~~(9)~~ CIRCUIT. ~~The word "circuit" means judicial~~
133 ~~circuit.~~

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

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

136 ~~(12)~~ (17) STATE. ~~The word "state," when~~ When applied to
137 the different parts of the United States, includes the
138 District of Columbia and the several territories of the United
139 States.

140 ~~(13)~~ (18) UNITED STATES. ~~The term "United States"~~



141 ~~includes~~Includes the territories thereof and the District of
142 Columbia.

143 ~~(14)~~ (6) JURY or JURIES. ~~The words "jury" or "juries"~~
144 ~~include~~Includes courts or judges in all cases when a jury
145 trial is waived, or when the court or judge is authorized to
146 ascertain and determine the facts as well as the law.

147 ~~(15)~~ (9) MONTH. ~~The word "month" means a~~ A calendar
148 month.

149 (19) WOMAN. An adult individual who is female.

150 ~~(16)~~ (20) YEAR. ~~The word "year" means a~~ A calendar
151 year, ~~;~~ ~~but,~~ except whenever the word "year" is used in
152 reference to any appropriations for the payment of money out
153 of the treasury, ~~it shall mean~~ the term shall mean the fiscal
154 year."

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