

HB111 ENGROSSED



1 HB111
2 7L7PE2E-2
3 By Representative DuBose
4 RFD: Judiciary
5 First Read: 06-Feb-24



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A BILL
TO BE ENTITLED
AN ACT

Relating to sex-based terminology; to amend Section 1-1-1, Code of Alabama 1975, to define certain sex-based terms; to provide policy relating to sex and gender identity; to allow public entities to establish certain single sex spaces or environments; and to require public entities that collect vital statistics related to sex as male or female to identify each individual as male or female as observed at birth.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The purpose of this act is to bring clarity, certainty, and uniformity to the laws of Alabama regarding sex discrimination, equality of the sexes, and benefits or services specifically provided to males and men and to females and women.

(b) This act applies wherever state law classifies individuals on the basis of sex or otherwise mentions individuals as being male or female, men or women, or boys or girls.

Section 2. The Legislature finds and declares all of the following:

- (1) Men and women are legally equal but are not



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29 physically the same.

30 (2) The State of Alabama has an important interest in
31 preventing unjust sex discrimination and in maintaining
32 safety, privacy, and fairness for both sexes.

33 (3) Inconsistencies in court rulings and policy
34 initiatives regarding sex discrimination and common sex-based
35 words have endangered women's rights and resources and have
36 put the existence of private, single-sex spaces in jeopardy.

37 (4) There are only two sexes, and every individual is
38 either male or female. The term "sex" is objective and fixed.
39 Sex does not include "gender identity" or any other terms
40 intended to convey an individual's subjective sense of self.
41 "Gender identity" and other subjective terms are not synonyms
42 or substitutes for "sex." Individuals with differences in sex
43 development, also known as "DSDs" or "intersex conditions,"
44 are not a third sex. Individuals with a congenital or
45 medically verifiable DSD diagnosis must be accommodated
46 consistent with state and federal law.

47 (5) With respect to equality of the sexes, the term
48 "equal" does not mean "same" or "identical."

49 Section 3. Section 1-1-1, Code of Alabama 1975, is
50 amended to read as follows:

51 "§1-1-1

52 (a) The following words, whenever they appear in this
53 ~~Code, shall have the signification attached to them in this~~
54 ~~section~~code, have the following meanings unless otherwise
55 apparent from the context or otherwise explicitly defined:

56 (1) BOY. A human male who has not yet reached



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57 adulthood.

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

59 (3) FEMALE. When used in reference to a natural person,
60 an individual who has, had, will have, or would have, but for
61 a developmental anomaly, genetic anomaly, or accident, the
62 reproductive system that at some point produces ova.

63 (4) GIRL. A human female who has not yet reached
64 adulthood.

65 (6) MALE. When used in reference to a natural person,
66 an individual who has, had, will have, or would have, but for
67 a developmental anomaly, genetic anomaly, or accident, the
68 reproductive system that at some point produces sperm.

69 (7) MAN. An adult human of the male sex.

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

71 ~~(1)(10) PERSON. The word "person" includes a~~
72 ~~corporation as well as a natural person~~Includes an individual,
73 corporation, partnership, company, or other business entity.

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

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

77 (14) SEX. When the term is used to classify or describe
78 a natural person, the state of being male or female as
79 observed or clinically verified at birth.

80 ~~(4)(15) SIGNATURE or SUBSCRIPTION. The words~~
81 ~~"signature" or "subscription" include~~Includes a mark when the
82 ~~person~~an individual cannot write, if his or her name is
83 written near the mark, ~~and witnessed by a person~~an individual
84 who writes his or her own name as a witness, ~~and include with~~



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85 ~~respect to corporate securities facsimile signature placed~~
86 ~~upon any instrument or writing with intent to execute or~~
87 ~~authenticate such instrument or writing.~~

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

91 ~~(6) (12) PROPERTY. The word "property" includes~~ Includes
92 both real and personal property.

93 ~~(7) (13) REAL PROPERTY. The term "real property"~~
94 ~~includes~~ Includes lands, tenements, and hereditaments.

95 ~~(8) (11) PERSONAL PROPERTY. The term "personal property"~~
96 ~~includes~~ Includes money, goods, chattels, things in action and
97 evidence of debt, deeds, and conveyances.

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

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

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

101 ~~(12) (16) STATE. The word "state," when~~ When applied to
102 the different parts of the United States, includes the
103 District of Columbia and the several territories of the United
104 States.

105 ~~(13) (17) UNITED STATES. The term "United States"~~
106 ~~includes~~ Includes the territories thereof and the District of
107 Columbia.

108 ~~(14) (5) JURY or JURIES. The words "jury" or "juries"~~
109 ~~include~~ Includes courts or judges in all cases when a jury
110 trial is waived, or when the court or judge is authorized to
111 ascertain and determine the facts as well as the law.

112 ~~(15) (8) MONTH. The word "month" means a~~ A calendar



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113 month.

114 (18) WOMAN. An adult human of the female sex.

115 ~~(16)~~ (19) YEAR. The word "year" means a calendar
116 year, ~~but,~~ except whenever the word "year" is used in
117 reference to any appropriations for the payment of money out
118 of the treasury, ~~it shall mean~~ the term shall mean a fiscal
119 year.

120 (b) Notwithstanding subsection (a), the definitions for
121 "boy," "father," "female," "girl," "male," "man," "mother,"
122 sex, and "woman" shall only apply to state law.

123 (c) Notwithstanding subsection (a), the definitions
124 for "boy," "father," "female," "girl," "male," "man,"
125 "mother," sex, and "woman" shall be construed consistent with
126 the Supremacy Clause and the Equal Protection Clause of the
127 United State Constitution."

128 Section 4. (a) Any state law that prohibits
129 discrimination on the basis of sex thereby forbids unfair
130 treatment of females or males.

131 (b) Neither the state nor any political subdivision of
132 the state shall be prohibited from establishing separate
133 single-sex spaces or environments for males and females when
134 biology, privacy, safety, or fairness are implicated.

135 Section 5. (a) Any school district or public school,
136 and any state agency, department, bureau, or commission, or
137 political subdivision that collects vital statistics related
138 to sex as male or female for the purpose of complying with
139 anti-discrimination laws or for the purpose of gathering
140 accurate public health, crime, economic, or other data shall



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141 identify each individual who is part of the collected data set
142 as either male or female. This subsection shall not be
143 construed to prohibit the entry of "unknown" as the sex on a
144 child's certificate of birth, fetal death, or death when sex
145 cannot be medically determined for developmental or other
146 reasons at the time the facts of birth, fetal death, or death
147 are reported to the Office of Vital Statistics.

148 (b) Compliance with subsection (a) shall not require
149 the collection of data regarding sex unless otherwise required
150 by law, and the requirements of subsection (a) shall not
151 prevent the collection of additional data points besides
152 biological sex.

153 Section 6. The intent of this act is not to deny
154 identification on state-issued documentation consistent with
155 an individual's gender identity.

156 Section 7. The provisions of this act are severable.
157 If any part of this act is declared invalid or
158 unconstitutional, that declaration shall not affect the part
159 which remains.

160 Section 8. This act shall become effective October 1,
161 2024.



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House of Representatives

165 Read for the first time and referred06-Feb-24
166 to the House of Representatives
167 committee on Judiciary
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169 Read for the second time and placed28-Feb-24
170 on the calendar:
171 2 amendments
172
173 Read for the third time and passed11-Apr-24
174 as amended

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Yeas 77, Nays 24, Abstains 2

John Treadwell
Clerk