

COMMITTEE ON GOVERNMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2062
(Reference to printed bill)

Amendment instruction key:
[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.
[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.
[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.
<<Green carets>> indicate a section added to the bill.
<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Title 1, Arizona Revised Statutes, is amended by adding
3 chapter 9, to read:

4 CHAPTER 9

5 SEX-BASED TERMS IN LAW

6 ARTICLE 1. GENERAL PROVISIONS

7 1-901. Definitions for sex-based terms used in statutes,
8 administrative rules, regulations and public
9 policies

10 THE FOLLOWING TERMS HAVE THE FOLLOWING MEANINGS AS USED IN STATUTES,
11 ADMINISTRATIVE RULES, REGULATIONS AND PUBLIC POLICIES ADOPTED BY THIS
12 STATE OR BY A POLITICAL SUBDIVISION OF THIS STATE:

13 1. "BOY" MEANS A HUMAN MALE WHO HAS NOT YET REACHED ADULthood.

14 2. EQUAL, WITH RESPECT TO EQUALITY OF THE SEXES, DOES NOT MEAN SAME
15 OR IDENTICAL.

16 3. "FATHER" MEANS A MALE PARENT OF A CHILD OR CHILDREN AS DEFINED
17 BY LAW.

18 4. "FEMALE", WHEN USED IN REFERENCE TO A NATURAL PERSON, MEANS AN
19 INDIVIDUAL WHO HAS, NATURALLY HAD, WILL HAVE OR WOULD HAVE, BUT FOR A
20 DEVELOPMENTAL ANOMALY OR ACCIDENT, THE REPRODUCTIVE SYSTEM THAT AT SOME
21 POINT PRODUCES OVA.

22 5. "GIRL" MEANS A HUMAN FEMALE WHO HAS NOT YET REACHED ADULthood.

23 6. "MALE", WHEN USED IN REFERENCE TO A NATURAL PERSON, MEANS AN
24 INDIVIDUAL WHO HAS, NATURALLY HAD, WILL HAVE OR WOULD HAVE, BUT FOR A
25 DEVELOPMENTAL ANOMALY OR ACCIDENT, THE REPRODUCTIVE SYSTEM THAT AT SOME
26 POINT PRODUCES SPERM FOR FERTILIZATION OF FEMALE OVA.

27 7. "MAN" MEANS AN ADULT HUMAN OF THE MALE SEX.

1 8. "MOTHER" MEANS A FEMALE PARENT OF A CHILD OR CHILDREN AS DEFINED
2 BY LAW.

3 9. "SEX":

4 (a) MEANS A PERSON'S BIOLOGICAL SEX, EITHER MALE OR FEMALE, AT
5 BIRTH.

6 (b) INCLUDES ONLY TWO SEXES AND EVERY INDIVIDUAL IS EITHER A MALE
7 OR FEMALE. AN INDIVIDUAL WITH A DIFFERENCE IN SEX DEVELOPMENT DOES NOT
8 ESTABLISH A THIRD SEX. AN INDIVIDUAL WITH A CONGENITAL AND MEDICALLY
9 VERIFIABLE DISORDER OR DIFFERENCE IN SEX DEVELOPMENT MUST BE ACCOMMODATED
10 CONSISTENT WITH FEDERAL AND STATE LAW.

11 (c) IS OBJECTIVE AND FIXED.

12 (d) DOES NOT INCLUDE GENDER IDENTITY OR ANY OTHER TERM THAT IS
13 INTENDED TO CONVEY A PERSON'S SUBJECTIVE SENSE OF SELF AND MAY NOT BE USED
14 AS A SYNONYM OR SUBSTITUTE FOR THE TERM SEX.

15 1-902. Use of the term sex; sex discrimination; single-sex
16 environments; vital statistics related to sex

17 A. ANY POLICY, PROGRAM, RULE OR LAW THAT PROHIBITS SEX
18 DISCRIMINATION MUST PROHIBIT THE UNFAIR TREATMENT OF A FEMALE OR MALE IN
19 RELATION TO A SIMILARLY SITUATED MEMBER OF THE OPPOSITE SEX.

20 B. THIS STATE AND A POLITICAL SUBDIVISION OF THIS STATE MAY PROVIDE
21 A SEPARATE SINGLE-SEX ENVIRONMENT FOR A MALE OR FEMALE IF THE SEXES ARE
22 NOT SIMILARLY SITUATED, PARTICULARLY WITH RESPECT TO BIOLOGY. A
23 SINGLE-SEX ENVIRONMENT INCLUDES ATHLETICS, LIVING FACILITIES, LOCKER
24 ROOMS, BATHROOMS, DOMESTIC VIOLENCE SHELTERS AND SEXUAL ASSAULT CRISES
25 CENTERS.

26 C. ANY PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT OR THIS STATE AND
27 ANY AGENCY, DEPARTMENT OR POLITICAL SUBDIVISION OF THIS STATE THAT
28 COLLECTS VITAL STATISTICS RELATED TO SEX TO COMPLY WITH STATE OR FEDERAL
29 ANTIDISCRIMINATION LAWS OR TO GATHER ACCURATE PUBLIC HEALTH, CRIME,
30 ECONOMIC OR OTHER DATA SHALL IDENTIFY EACH NATURAL PERSON WHO IS PART OF
31 THE COLLECTED DATA SET AS EITHER MALE OR FEMALE.

32 D. COMPLYING WITH SUBSECTION [B] [C] OF THIS SECTION DOES NOT DO
33 EITHER OF THE FOLLOWING:

34 1. REQUIRE THE COLLECTION OF DATA REGARDING SEX UNLESS OTHERWISE
35 REQUIRED BY LAW.

36 2. PREVENT THE COLLECTION OF ADDITIONAL DATA POINTS OTHER THAN
37 BIOLOGICAL SEX.

38 Sec. 2. Purpose

39 The purpose of this act is to bring clarity, certainty and
40 uniformity to the laws of this state regarding sexual discrimination,
41 equality of the sexes and benefits or services that are specifically
42 provided to males and men and females and women.

43 Sec. 3. Severability

44 If a provision of this act or its application to any person or
45 circumstance is held invalid, the invalidity does not affect other
46 provisions or applications of the act that can be given effect without the
47 invalid provision or application, and to this end the provisions of this
48 act are severable.

- 1 Sec. 4. Short title
 - 2 This act shall be known and cited as the "Arizona Sex-based Terms
 - 3 Act".
 - 4 Enroll and engross to conform
 - 5 Amend title to conform
- And, as so amended, it do pass

BLACKMAN
CHAIRMAN

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