

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 408

By: Garvin

AS INTRODUCED

An Act relating to discrimination; creating the Women's Bill of Rights; providing short title; stating purpose of act; clarifying application and interpretation of act; amending 25 O.S. 2021, Sections 16, 1101, and 1201, which relate to definitions and statutory construction; defining terms; construing provisions; authorizing distinctions for certain purposes; defining term; requiring certain identification in collection of data for certain purposes; providing for codification; providing for noncodification; and providing an effective date.

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".

B. The purpose of The Women's Bill of Rights is to bring clarity, certainty, and uniformity under the laws of this state with respect to natural persons of both biological sexes and the manner in which they are treated as such under the laws of this state. All laws where the application thereof is contingent upon the

1 classification of a person as being female or male, woman or man,
2 girl or boy, are hereby superseded and interpreted to the extent
3 necessary by this act including but not limited to any educational
4 benefits, corrections housing, employment protections, and civil
5 rights laws codified in the statutes of this state.

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

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

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

12 2. "Female" means a natural person whose biological
13 reproductive system is developed to produce ova;

14 3. "Male" means a natural person whose biological reproductive
15 system is developed to fertilize the ova of a female;

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

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

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

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

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

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

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

3 Section 1101. A. This act provides for exclusive remedies
4 within the state of the policies for individuals alleging
5 discrimination in employment on the basis of race, color, national
6 origin, sex, religion, creed, age, disability or genetic
7 information.

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

11 C. Any policy, program, or statute that prohibits sex
12 discrimination is to be construed to forbid unfair treatment of
13 females or males in relation to similarly situated members of the
14 opposite sex. The state or its political subdivisions shall not be
15 prohibited from establishing distinctions between sexes when such
16 distinctions are substantially related to an important government
17 objective including but not limited to biology, privacy, safety, or
18 fairness in locations and circumstances such as prisons or other
19 detention facilities, domestic violence shelters, rape crisis
20 centers, athletics and locker rooms, and restrooms.

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

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

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

3 2. "Equal", with reference to sex as defined in Section 62 of
4 this title, shall not be construed to mean same or identical, and to
5 differentiate between the sexes shall not necessarily be construed
6 to be treating the sexes unequally;

7 3. "National origin" includes the national origin of an
8 ancestor; and

9 ~~3.~~ 4. "Person" includes an individual, association,
10 corporation, joint apprenticeship committee, joint-stock company,
11 labor union, legal representative, mutual company, partnership,
12 receiver, trust, trustee, trustee in bankruptcy, unincorporated
13 organization, any other legal or commercial entity, the state, or
14 any governmental entity or agency.

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

18 The state, any political subdivision, or any state agency or
19 department including but not limited to public school districts that
20 collects vital statistics for the purpose of gathering accurate
21 public health, crime, economic or other data shall identify any
22 natural person who is part of the collected data as either male or
23 female as defined in Section 62 of Title 25 of the Oklahoma
24 Statutes.

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

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