

By: Troxclair

H.B. No. 3883

A BILL TO BE ENTITLED

AN ACT

relating to general definitions for and collection of governmental information regarding biological sex.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. FINDINGS. The legislature finds that:

(1) males and females possess unique immutable biological differences that manifest prior to birth and increase as individuals age and experience puberty;

(2) biological differences between the sexes mean that only females are able to get pregnant, give birth, and breastfeed children;

(3) biological differences between the sexes mean that males are, on average, bigger, stronger, and faster than females;

(4) biological differences between the sexes leave females more physically vulnerable than males to specific forms of violence, including sexual violence;

(5) females have historically suffered discrimination in education, athletics, and employment;

(6) biological differences between the sexes are enduring and may, in some circumstances, warrant the creation of separate social, educational, athletic, or other spaces in order to ensure individuals' safety and allow members of each sex to succeed and thrive;

(7) inconsistencies in court rulings and policy

initiatives with regard to the definitions of "sex," "male," "female," "man," and "woman" have led to endangerment of single-sex spaces and resources, necessitating clarification of certain terms;

(8) in the context of biological sex:

(A) "equal" does not mean "same" or "identical";

and

(B) separate is not inherently unequal;

(9) there are legitimate reasons to distinguish between the sexes with respect to athletics, prisons and other correctional facilities, domestic violence shelters, rape crisis centers, locker rooms, restrooms, and other areas where biology, safety, or privacy are implicated; and

(10) policies and laws that distinguish between the sexes are subject to intermediate constitutional scrutiny, which forbids unfair discrimination against similarly situated males and females but allows the law to distinguish between the sexes where such distinctions are substantially related to important governmental objectives.

SECTION 2. Section 311.005, Government Code, is amended by adding Subdivisions (14), (15), (16), (17), (18), (19), and (20) to read as follows:

(14) "Boy" means a child of the male sex.

(15) "Father" means a parent of the male sex.

(16) "Female" and "woman" mean an individual whose biological reproductive system is developed to produce ova.

(17) "Girl" means a child of the female sex.

(18) "Male" and "man" mean an individual whose biological reproductive system is developed to fertilize the ova of a female.

(19) "Mother" means a parent of the female sex.

(20) "Sex" means a person's biological sex, either
male or female.

SECTION 3. Chapter [2051](#), Government Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. VITAL STATISTICS INFORMATION COLLECTION BY
GOVERNMENTAL ENTITY

Sec. 2051.251. DEFINITION. In this subchapter, "governmental entity" has the meaning assigned by Section [2051.041](#).

Sec. 2051.252. VITAL STATISTICS INFORMATION COLLECTION BY GOVERNMENTAL ENTITY. A governmental entity that collects vital statistics information that identifies the biological sex of an individual for the purpose of complying with antidiscrimination laws or for the purpose of gathering public health, crime, economic, or other data shall identify each individual as either male or female.

SECTION 4. This Act takes effect September 1, 2023.