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| BILL ANALYSIS |

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| H.B. 229 |
| By: Troxclair |
| State Affairs |
| Committee Report (Unamended) |

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| **BACKGROUND AND PURPOSE** The bill author has informed the committee that attacks on the biological identities of women occur throughout everyday life, including through the breach of single-sex spaces like bathrooms, sports teams, prisons, and schools under the guise of what is called equality. The bill author has further informed the committee that this can put women at risk, as it allows biological men to enter spaces meant exclusively for women, eroding women's safety and privacy in places they are meant to feel secure. H.B. 229 addresses these issues by amending the Code Construction Act to define the terms "boy," "father," "female," "woman," "girl," "male," "man," "mother," and "sex." H.B. 229 also amends the Government Code to require governmental entities that collect vital statistics information that identifies the 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 to identify each individual as either male or female. The bill author has informed the committee that the bill takes these actions to defend women's legal rights through accurate representation in both state statute and data collection practices. |
| **CRIMINAL JUSTICE IMPACT**It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **RULEMAKING AUTHORITY** It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution. |
| **ANALYSIS** H.B. 229 establishes the following legislative findings:* males and females possess unique immutable biological differences that manifest prior to birth and increase as individuals age and experience puberty;
* biological differences between the sexes mean that only females are able to get pregnant, give birth, and breastfeed children and that males are, on average, bigger, stronger, and faster than females;
* biological differences between the sexes leave females more physically vulnerable than males to specific forms of violence, including sexual violence;
* females have historically suffered discrimination in education, athletics, and employment;
* 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;
* 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;
* in the context of biological sex, "equal" does not mean "same" or "identical" and separate is not inherently unequal;
* 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
* 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.

H.B. 229 amends the Government Code to define the following terms under the Code Construction Act for the purpose of the application of the definitions, unless the statute or context in which the word or phrase is used requires a different definition: * "boy" means a child of the male sex;
* "father" means a parent of the male sex;
* "female" and "woman" mean an individual whose biological reproductive system is developed to produce ova;
* "girl" means a child of the female sex;
* "male" and "man" mean an individual whose biological reproductive system is developed to fertilize the ova of a female;
* "mother" means a parent of the female sex; and
* "sex" means an individual's biological sex, either male or female.

H.B. 229 requires a governmental entity that collects vital statistics information that identifies the 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 to identify each individual as either male or female. The bill defines "governmental entity" for this purpose by reference as an institution, board, commission, or department of the state, a subdivision of the state, or a political subdivision of the state, including a municipality, a county, or any kind of district. |
| **EFFECTIVE DATE** September 1, 2025. |