

SENATE BILL No. 441

DIGEST OF INTRODUCED BILL

Citations Affected: IC 1-1-4-5; IC 9-24-11-5; IC 16-37-2-9; IC 16-37-2-10.

Synopsis: Definition of sex and gender; birth certificates. Defines "sex" and "gender" for the purposes of the Indiana Code. States that the definition of "sex" and "gender" are meant to be synonymous in the Indiana Code unless specifically defined otherwise and is clarifying language. Requires the bureau of motor vehicles and the Indiana department of health (state department) to update the definition of sex used by the agencies. Requires the state department to: (1) identify birth certificates issued with a change in sex classification by court order; (2) change the sex on the birth certificate back to the originating sex and reissue the birth certificate; and (3) void the superseded document.

Effective: Upon passage.

Byrne

January 13, 2025, read first time and referred to Committee on Health and Provider Services.



First Regular Session of the 124th General Assembly (2025)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2024 Regular Session of the General Assembly.

SENATE BILL No. 441

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 1-1-4-5, AS AMENDED BY P.L.114-2016,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 5. (a) The following definitions apply to the
4 construction of all Indiana statutes, unless the construction is plainly
5 repugnant to the intent of the general assembly or of the context of the
6 statute:

7 (1) "Adult", "of full age", and "person in his majority" mean a
8 person at least eighteen (18) years of age.
9 (2) "Attorney" includes a counselor or other person authorized to
10 appear and represent a party in an action or special proceeding.
11 (3) "Autism" means a neurological condition as described in the
12 most recent edition of the Diagnostic and Statistical Manual of
13 Mental Disorders of the American Psychiatric Association.
14 (4) "Bond" does not necessarily imply a seal.
15 (5) "Clerk" means the clerk of the court or a person authorized to
16 perform the clerk's duties.
17 (6) "Health record", "hospital record", or "medical record" means



- 1 written or printed information possessed by a provider (as defined
2 in IC 16-18-2-295) concerning any diagnosis, treatment, or
3 prognosis of the patient, unless otherwise defined. Except as
4 otherwise provided, the terms include mental health records and
5 drug and alcohol abuse records.
- 6 (7) "Highway" includes county bridges and state and county
7 roads, unless otherwise expressly provided.
- 8 (8) "Infant" or "minor" means a person less than eighteen (18)
9 years of age.
- 10 (9) "Inhabitant" may be construed to mean a resident in any place.
- 11 (10) "Judgment" means all final orders, decrees, and
12 determinations in an action and all orders upon which executions
13 may issue.
- 14 (11) "Land", "real estate", and "real property" include lands,
15 tenements, and hereditaments.
- 16 (12) "Mentally incompetent" means of unsound mind.
- 17 (13) "Money demands on contract", when used in reference to an
18 action, means an action arising out of contract when the relief
19 demanded is a recovery of money.
- 20 (14) "Month" means a calendar month, unless otherwise
21 expressed.
- 22 (15) "Noncode statute" means a statute that is not codified as part
23 of the Indiana Code.
- 24 (16) "Oath" includes "affirmation", and "to swear" includes to
25 "affirm".
- 26 (17) "Person" extends to bodies politic and corporate.
- 27 (18) "Personal property" includes goods, chattels, evidences of
28 debt, and things in action.
- 29 (19) "Population" has the meaning set forth in IC 1-1-3.5-3.
- 30 (20) "Preceding" and "following", referring to sections in statutes,
31 mean the sections next preceding or next following that in which
32 the words occur, unless some other section is designated.
- 33 (21) "Property" includes personal and real property.
- 34 **(22) "Sex" and "gender" mean the biological classification of**
35 **male or female in the context of reproductive potential or**
36 **capacity, which is determined by sex genes, naturally**
37 **occurring sex hormones, gonads, and nonambiguous internal**
38 **and external genitalia present at birth, without regard to an**
39 **individual's psychological, chosen, or subjective experience.**
40 **These terms are to be considered synonymous. This definition**
41 **is presumptive throughout the Indiana Code unless an**
42 **alternative definition is clearly stated.**



- 1 ~~(22)~~ **(23)** "Sheriff" means the sheriff of the county or another
 2 person authorized to perform sheriff's duties.
 3 ~~(23)~~ **(24)** "State", applied to any one (1) of the United States,
 4 includes the District of Columbia and the commonwealths,
 5 possessions, states in free association with the United States, and
 6 the territories. "United States" includes the District of Columbia
 7 and the commonwealths, possessions, states in free association
 8 with the United States, and the territories.
 9 ~~(24)~~ **(25)** "Under legal disabilities" includes persons less than
 10 eighteen (18) years of age, mentally incompetent, or out of the
 11 United States.
 12 ~~(25)~~ **(26)** "Verified", when applied to pleadings, means supported
 13 by oath or affirmation in writing.
 14 ~~(26)~~ **(27)** "Will" includes a testament and codicil.
 15 ~~(27)~~ **(28)** "Without relief" in any judgment, contract, execution,
 16 or other instrument of writing or record, means without the
 17 benefit of valuation laws.
 18 ~~(28)~~ **(29)** "Written" and "in writing" include printing,
 19 lithographing, or other mode of representing words and letters. If
 20 the written signature of a person is required, the terms mean the
 21 proper handwriting of the person or the person's mark.
 22 ~~(29)~~ **(30)** "Year" means a calendar year, unless otherwise
 23 expressed.
 24 ~~(30)~~ **(31)** The definitions in IC 35-31.5 apply to all statutes
 25 relating to penal offenses.
 26 (b) This subsection applies to the definitions of "Hoosier veteran"
 27 and "veteran" when used in reference to state programs for veterans.
 28 The term "veteran" includes "Hoosier veteran", and applies to the
 29 construction of all Indiana statutes, unless the construction is expressly
 30 excluded by the terms of the statute, is plainly repugnant to the intent
 31 of the general assembly or of the context of the statute, or is
 32 inconsistent with federal law. "Hoosier veteran" means an individual
 33 who meets the following criteria:
 34 (1) The individual is a resident of Indiana.
 35 (2) The individual served in a reserve component of the armed
 36 forces of the United States or the Indiana National Guard.
 37 (3) The individual completed any required military occupational
 38 specialty training and was not discharged or separated from the
 39 armed forces or the Indiana National Guard under dishonorable
 40 or other than honorable conditions.
 41 The definitions set forth in this subsection may not be construed to
 42 affect a Hoosier veteran's eligibility for any state program that is based



1 upon a particular aspect of the Hoosier veteran's service such as a
2 disability or a wartime service requirement.

3 SECTION 2. IC 9-24-11-5, AS AMENDED BY P.L.141-2024,
4 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (d), a
6 learner's permit or driver's license issued under this article must contain
7 the following information:

8 (1) The full legal name of the permittee or licensee.

9 (2) The date of birth of the permittee or licensee.

10 (3) The address of the principal residence of the permittee or
11 licensee.

12 (4) The hair color and eye color of the permittee or licensee.

13 (5) The date of issue and expiration date of the permit or license.

14 (6) The gender (**as defined in IC 1-1-4-5(22)**) of the permittee or
15 licensee.

16 (7) The unique identifying number of the permit or license.

17 (8) The weight of the permittee or licensee.

18 (9) The height of the permittee or licensee.

19 (10) A reproduction of the signature of the permittee or licensee.

20 (11) If the permittee or licensee is less than eighteen (18) years of
21 age at the time of issuance, the dates, notated prominently, on
22 which the permittee or licensee will become:

23 (A) eighteen (18) years of age; and

24 (B) twenty-one (21) years of age.

25 (12) If the permittee or licensee is at least eighteen (18) years of
26 age but less than twenty-one (21) years of age at the time of
27 issuance, the date, notated prominently, on which the permittee or
28 licensee will become twenty-one (21) years of age.

29 (13) Except as provided in subsection (b), a digital photograph of
30 the permittee or licensee.

31 (b) The bureau may provide for the omission of a photograph or
32 computerized image from any driver's license or learner's permit issued
33 in the form of a physical credential if there is good cause for the
34 omission. However, a driver's license or learner's permit issued without
35 a digital photograph may not be issued in the form of a mobile
36 credential and must include a statement that indicates that the driver's
37 license or learner's permit issued without a digital photograph may not
38 be accepted by a federal agency for federal identification or any other
39 federal purpose.

40 (c) A driver's license or learner's permit issued to an individual who
41 has temporary lawful status as indicated by:

42 (1) a valid, unexpired nonimmigrant visa or has nonimmigrant



- 1 visa status for entry in the United States;
 2 (2) a pending application for asylum in the United States;
 3 (3) a pending or approved application for temporary protected
 4 status in the United States;
 5 (4) having an approved deferred action status; or
 6 (5) a pending application for adjustment of status to that of an
 7 alien lawfully admitted for permanent residence in the United
 8 States or conditional permanent residence status in the United
 9 States;

10 must be clearly identified as a temporary driver's license or learner's
 11 permit. A temporary driver's license or learner's permit issued under
 12 this subsection may not be renewed without the presentation of valid
 13 documentary evidence proving that the licensee's or permittee's
 14 temporary status has been extended.

15 (d) For purposes of subsection (a), an individual certified as a
 16 program participant in the address confidentiality program under
 17 IC 5-26.5 is not required to provide the address of the individual's
 18 principal residence, but may provide an address designated by the
 19 office of the attorney general under IC 5-26.5 as the address of the
 20 individual's principal residence.

21 SECTION 3. IC 16-37-2-9, AS AMENDED BY P.L.138-2019,
 22 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 UPON PASSAGE]: Sec. 9. (a) The local health officer shall make a
 24 permanent record of the following from a birth certificate:

- 25 (1) Name.
 26 (2) Sex **(as defined in IC 1-1-4-5(22))**.
 27 (3) Date of birth.
 28 (4) Place of birth.
 29 (5) Name of the parents.
 30 (6) Birthplace of the parents.
 31 (7) The date of filing of the certificate of birth.
 32 (8) The person in attendance at the birth.
 33 (9) Location of the birth, including whether the birth occurred at
 34 a hospital, licensed health care facility, home, or other non-health
 35 care facility.

36 (b) Except as provided in subsection (c), the permanent record shall
 37 be open to public inspection. Upon request by an individual, a paper
 38 copy of the permanent record in subsection (a) must be provided by the
 39 local health officer.

40 (c) The birth record of an adopted child remains subject to the
 41 confidentiality provisions of IC 31-19 regarding the release of adoption
 42 information.



1 (d) The permanent record of the information required under this
 2 section may be maintained in the Indiana birth registration system
 3 (IBRS).

4 SECTION 4. IC 16-37-2-10 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) As used in
 6 this section, "DNA test" means an identification process in which the
 7 unique genetic code of an individual that is carried by the individual's
 8 deoxyribonucleic acid (DNA) is compared with the genetic codes of
 9 another individual.

10 (b) The state department may make additions to or corrections in a
 11 certificate of birth on receipt of adequate documentary evidence
 12 **including based on either** the results of a DNA test under subsection
 13 (c) or a paternity affidavit executed under section 2.1 of this chapter.

14 (c) The state department may make an addition to a birth certificate
 15 **for the purposes of paternity** based on the results of a DNA test only
 16 if:

- 17 (1) a father is not named on the birth certificate; and
- 18 (2) a citation to this subsection as the authority for the addition is
 19 noted on the birth certificate.

20 SECTION 5. [EFFECTIVE UPON PASSAGE] **(a) The definition**
 21 **of "sex" and "gender", as added by IC 1-1-4-5(22), as amended by**
 22 **this act, are meant to be synonymous in the Indiana Code unless**
 23 **specifically defined otherwise. The general assembly is adding a**
 24 **definition of "sex" and "gender" in this act for purposes of**
 25 **clarifying what has always been meant by the use of the term in the**
 26 **Indiana Code.**

27 **(b) This SECTION expires December 31, 2026.**

28 SECTION 6. [EFFECTIVE UPON PASSAGE] **(a) As used in this**
 29 **SECTION, "bureau" refers to the bureau of motor vehicles**
 30 **created by IC 9-14-7-1.**

31 **(b) Before December 31, 2025, the bureau shall update the**
 32 **definition of "sex" that the bureau uses as an agency to the**
 33 **definition set forth in IC 1-1-4-5(22).**

34 **(c) This SECTION expires December 31, 2026.**

35 SECTION 7. [EFFECTIVE UPON PASSAGE] **(a) As used in this**
 36 **SECTION, "state department" refers to the Indiana department**
 37 **of health.**

38 **(b) The state department shall do the following:**

- 39 (1) **Identify a certificate of birth that was issued with a change**
 40 **in the individual's sex classification through a court order.**
- 41 (2) **Change the sex on the certificate of birth back to the**
 42 **originating sex and reissue the certificate of birth.**



1 **(3) Void the superseded document.**
2 **(c) This SECTION expires December 31, 2026.**
3 SECTION 8. [EFFECTIVE UPON PASSAGE] **(a) As used in this**
4 **SECTION, "state department" refers to the Indiana department**
5 **of health.**
6 **(b) Before December 31, 2025, the state department shall update**
7 **the definition of "sex" that the state department uses as an agency**
8 **to the definition set forth in IC 1-1-4-5(22).**
9 **(c) This SECTION expires December 31, 2026.**
10 SECTION 9. **An emergency is declared for this act.**

