

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1449

By: Hasenbeck, Conley, Stark,
Crosswhite Hader, Townley
and Roe of the House

6 and

7 Garvin of the Senate

8
9 COMMITTEE SUBSTITUTE

10 An Act relating to discrimination; enacting the
11 Women's Bill of Rights; declaring purpose; clarifying
12 application and interpretation of act; amending 25
13 O.S. 2021, Sections 16, 1101, and 1201, which relate
14 to definitions and general provisions; defining
15 terms; construing provisions; authorizing
16 distinctions for certain purposes; requiring certain
17 identification in collection of data for certain
18 purposes; providing for noncodification; providing
19 for codification; and providing an effective date.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. NEW LAW A new section of law not to be
22 codified in the Oklahoma Statutes reads as follows:

23 A. This act shall be known and may be cited as the "Women's
24 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

1 in which they are treated as such under the laws of this state. All
2 laws where the application thereof is contingent upon the
3 classification of a person as being female or male, woman or man,
4 girl or boy, are hereby superseded and interpreted to the extent
5 necessary by this act, including, but not limited to, any
6 educational benefits, corrections housing, employment protections,
7 and civil rights laws codified in the statutes of this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 C. Any policy, program, or statute that prohibits sex
14 discrimination shall be construed to forbid unfair treatment of
15 females or males in relation to similarly situated members of the
16 opposite sex. The state or its political subdivisions shall not be
17 prohibited from establishing distinctions between sexes when such
18 distinctions are substantially related to an important government
19 objective, including, but not limited to, biology, privacy, safety,
20 or fairness.

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 16 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,
20 that collects vital statistics for the purpose of gathering accurate
21 public health, crime, economic, or other data shall include, but not
22 be limited to, the identification of any natural person who is part
23 of the collected data as either male or female as defined in Section
24 16 of Title 25 of the Oklahoma Statutes.

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

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