

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 202

By: Dahm and Jett of the Senate

and

6 Echols, Lepak, and
7 Patzkowsky of the House

8
9 CONFERENCE COMMITTEE SUBSTITUTE

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

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

23 SECTION 1. NEW LAW A new section of law not to be
24 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

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5 girl or boy, are hereby superseded and interpreted to the extent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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 B. ~~This act~~ Section 1101 et seq. of this title shall be
13 construed according to the fair import of its terms to further the
14 general purposes stated in this section and the special purposes of
15 the particular provision involved.

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

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

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

5 1. "Discriminatory practice" means a practice designated as
6 discriminatory under the terms of ~~this act~~ Section 1101 et seq. of
7 this title;

8 2. "Equal", with reference to sex as defined in Section 16 of
9 this title, shall not be construed to mean same or identical, and to
10 differentiate between the sexes shall not necessarily be construed
11 to be treating the sexes unequally;

12 3. "National origin" includes the national origin of an
13 ancestor; and

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

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

23 The state, any political subdivision, or any state agency or
24 department, including but not limited to public school districts,

1 that collects vital statistics for the purpose of gathering accurate
2 public health, crime, economic or other data shall include, but not
3 be limited to, the identification of any natural person who is part
4 of the collected data as either male or female as defined in Section
5 16 of Title 25 of the Oklahoma Statutes.

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

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