

2023 Kansas Statutes

77-207. Biological sex; application thereof to any state law or rule or regulation; application of intermediate constitutional scrutiny standard of review; important governmental objectives; collection of vital statistics. (a) Notwithstanding any provision of state law to the contrary, with respect to the application of an individual's biological sex pursuant to any state law or rules and regulations, the following shall apply:

- (1) An individual's "sex" means such individual's biological sex, either male or female, at birth;
- (2) a "female" is an individual whose biological reproductive system is developed to produce ova, and a "male" is an individual whose biological reproductive system is developed to fertilize the ova of a female;
- (3) the terms "woman" and "girl" refer to human females, and the terms "man" and "boy" refer to human males;
- (4) the term "mother" means a parent of the female sex, and the term "father" means a parent of the male sex;
- (5) with respect to biological sex, the term "equal" does not mean "same" or "identical";
- (6) with respect to biological sex, separate accommodations are not inherently unequal; and
- (7) an individual born with a medically verifiable diagnosis of "disorder/differences in sex development" shall be provided legal protections and accommodations afforded under the Americans with disabilities act and applicable Kansas statutes.

(b) Laws and rules and regulations that distinguish between the sexes are subject to intermediate constitutional scrutiny. Intermediate constitutional scrutiny forbids unfair discrimination against similarly situated male and female individuals but allows the law to distinguish between the sexes where such distinctions are substantially related to important governmental objectives. Notwithstanding any provision of state law to the contrary, distinctions between the sexes with respect to athletics, prisons or other detention facilities, domestic violence shelters, rape crisis centers, locker rooms, restrooms and other areas where biology, safety or privacy are implicated that result in separate accommodations are substantially related to the important governmental objectives of protecting the health, safety and privacy of individuals in such circumstances.

(c) Any school district, or public school thereof, and any state agency, department or office or political subdivision that collects vital statistics for the purpose of complying with anti-discrimination laws or for the purpose of gathering accurate public health, crime, economic or other data shall identify each individual who is part of the collected data set as either male or female at birth.

History: L. 2023, ch. 84, § 1; July 1.