

# HOUSE BILL No. 1346

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-33-14.

**Synopsis:** Gender fluidity. Provides that a school may not promote or encourage the use of, or require, compel, or coerce a student, an employee of the school, or a staff member of the school to use: (1) a pronoun, title, or other word to identify a student, school employee, or other individual that is inconsistent with the student's, employee's, or individual's biological sex; or (2) a name or nickname to identify a student that is inconsistent with the student's name on the student's birth certificate. Creates an exception. Provides that a school may not require an employee or a staff member of the school to adopt, support, or promote gender fluidity.

**Effective:** July 1, 2023.

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**Teshka, King, Carbaugh, Wesco**

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January 17, 2023, read first time and referred to Committee on Education.

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First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## HOUSE BILL No. 1346

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

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

1       SECTION 1. IC 20-33-14 IS ADDED TO THE INDIANA CODE  
2       AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2023]:

4       **Chapter 14. Gender Identification**

5       **Sec. 1. As used in this chapter, "gender fluidity" means any**  
6       **theory or ideology that adopts any of the following views:**

7               (1) Sex is a social construct.

8               (2) It is possible for an individual to be:

9                     (A) any gender; or

10                    (B) no gender;

11               based on the individual's feelings or preferences.

12               (3) An individual's sex can be changed to align with the  
13               gender that:

14                    (A) the individual identifies with or expresses; and

15                    (B) is inconsistent with the individual's sex.

16       **Sec. 2. As used in this chapter, "health care provider" means**  
17       **any of the following:**



(1) A psychiatrist or physician licensed under IC 25-22.5.

(2) A psychologist licensed under IC 25-33.

**Sec. 3. As used in this chapter, "school" means any of the following:**

(1) A public school, including a charter school.

(2) A state accredited school.

(3) A nonaccredited nonpublic school that has at least one (1) employee.

(4) A laboratory school established under IC 20-24.5-2.

(5) The Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1.

(6) The Indiana School for the Deaf established by IC 20-22-2-1.

**Sec. 4. As used in this chapter, "sex" means an individual's biological sex as either male or female:**

(1) based on the individual's genetics and reproductive biology at birth, including sex organs, chromosomes, and hormones, without regard to the gender that the individual experiences, identifies with, or expresses; and

(2) as documented on the individual's official birth certificate that was entered at or near the time of the individual's birth modified to correct a clerical error in the individual's sex.

**Sec. 5. Except as provided in section 6 of this chapter, a school may not promote the use of, encourage the use of, or require, compel, or coerce a student, an employee of the school, or a staff member of the school to use:**

(1) a pronoun, title, or other word to identify a student, school employee, or other individual that is inconsistent with the student's, employee's, or individual's sex; or

(2) a name or nickname to identify a student that is inconsistent with the student's name on the student's birth certificate.

**Sec. 6. An employee or a staff member of a school may only use a pronoun, title, name, nickname, or other word described in section 5 of this chapter to identify a student if the student, who is an adult or an emancipated minor, or a parent of a student who is an unemancipated minor:**

(1) requests in writing the use of a specific pronoun, title, name, nickname, or other word to identify the student; and

(2) provides documentation from a health care provider verifying that the student has a sincere, persistent, and consistent belief that the student's gender differs from the



1           student's sex.  
2           **Sec. 7. A school may not require an employee or a staff member**  
3           **of the school to adopt, support, or promote gender fluidity.**  
4           **Sec. 8. A licensing authority in Indiana may not require:**  
5               (1) an employee; or  
6               (2) a staff member;  
7           **of a school who holds a license issued by the licensing authority to**  
8           **violate any provision of this chapter as a condition of receiving or**  
9           **renewing the employee's or staff member's license.**

