

By: Representative Ford (73rd)

To: Judiciary A

## HOUSE BILL NO. 1074

1 AN ACT TO ENACT THE TITLE IX PRESERVATION ACT; TO PROVIDE  
2 INTERPRETATION AND CLARIFICATION OF CERTAIN TERMS RELATING TO  
3 TITLE IX OF THE FEDERAL CODE; TO STATE LEGISLATIVE INTENT; TO  
4 CLARIFY TERMS FOR THE PURPOSES OF STATE LAW; TO PROVIDE THAT  
5 POLICIES AND LAWS THAT DISTINGUISH BETWEEN THE SEXES ARE SUBJECT  
6 TO INTERMEDIATE CONSTITUTIONAL SCRUTINY; TO REQUIRE ANY PUBLIC  
7 SCHOOL, SCHOOL DISTRICT, STATE OR LOCAL AGENCY, DEPARTMENT OR  
8 OFFICE THAT COLLECTS VITAL STATISTICS FOR THE PURPOSE OF COMPLYING  
9 WITH ANTI-DISCRIMINATION LAWS OR FOR THE PURPOSE OF GATHERING  
10 ACCURATE PUBLIC HEALTH, CRIME, ECONOMIC OR OTHER DATA TO IDENTIFY  
11 EACH INDIVIDUAL WHO IS PART OF THE COLLECTED DATA SET AS EITHER  
12 MALE OR FEMALE AT BIRTH; AND FOR RELATED PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 **SECTION 1.** This act shall be known and may be cited as "The  
15 Title IX Preservation Act."

16 **SECTION 2.** The Legislature finds and declares that:

17 (a) Males and females possess unique and immutable  
18 biological differences that manifest prior to birth and increase  
19 as they age and experience puberty;

20 (b) Biological differences between the sexes mean that  
21 only females are able to get pregnant, give birth and breastfeed  
22 children;



23 (c) Biological differences between the sexes mean that  
24 males are, on average, bigger, stronger, and faster than females;

25 (d) Biological differences between the sexes leave  
26 females more physically vulnerable than males to specific forms of  
27 violence, including sexual violence;

28 (e) Females have historically suffered from  
29 discrimination in education, athletics and employment;

30 (f) Biological differences between the sexes are  
31 enduring and may, in some circumstances, warrant the creation of  
32 separate social, educational, athletic, or other spaces in order  
33 to ensure safety and/or to allow members of each sex to succeed  
34 and thrive;

35 (g) Inconsistencies in court rulings and policy  
36 initiatives with respect to the definitions of "sex," "male,"  
37 "female," "man," and "woman" have led to the endangerment of  
38 single-sex spaces and resources, thereby necessitating  
39 clarification of certain terms.

40 **SECTION 3.** For the purposes of state law:

41 (a) A person's "sex" is defined as his or her  
42 biological sex (either male or female) at birth;

43 (b) A "female" is an individual whose biological  
44 reproductive system is developed to produce ova; a "male" is an  
45 individual whose biological reproductive system is developed to  
46 fertilize the ova of a female;



(c) The terms "woman" and "girl" refer to human females, and the terms "man" and "boy" refer to human males; and

(d) The term "mother" is defined as a parent of the female sex, and the term "father" is defined as a parent of the male sex.

**SECTION 4.** There are legitimate reasons to distinguish 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 and/or privacy are implicated.

**SECTION 5.** Policies and laws that distinguish between the sexes are subject to intermediate constitutional scrutiny which forbids unfair discrimination against similarly-situated males and females but allows the law to distinguish between the sexes where such distinctions are substantially related to important governmental objectives.

**SECTION 6.** Any public school or school district and any state or local agency, department, or office 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.

**SECTION 7.** (1) Any person employed by any public school, school district, state or local agency, department or office shall



72 not be required to address any other employee or student enrolled  
73 with such entity by any pronoun, salutation, greeting, or other  
74 terminology that is inconsistent with that person's sex as defined  
75 herein.

76 (2) A public school, school district, state or local agency,  
77 department or office shall not be required to permit an employee  
78 or student to dress in a manner inconsistent with professional  
79 standards of dress generally prevailing in the community for  
80 persons of the same sex, as defined herein, of that person or  
81 student.

82 **SECTION 8.** This act shall take effect and be in force from  
83 and after July 1, 2023.

