

SENATE BILL NO. 437

INTRODUCED BY C. GLIMM

A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE CODIFICATION AND GENERAL REVISION OF THE LAWS RELATING TO THE DEFINITION FOR THE WORDS SEX, FEMALE, ~~AND MALE, MAN, WOMAN, FATHER, AND MOTHER~~ WHEN REFERRING TO A HUMAN; PROVIDING THAT THE DEFINITION OF SEX REFERS TO BIOLOGICAL SEX AND NOT GENDER IDENTITY OR SEXUAL INTERCOURSE; PROVIDING THAT THE DEFINITION OF SEX IS LIMITED TO TWO TYPES OF SEXES WHICH ARE REFERRED TO AS MALE AND FEMALE; PROVIDING THAT THE DEFINITIONS OF MALE, ~~AND FEMALE, MAN, WOMAN, FATHER, AND MOTHER~~ REFER TO BIOLOGICAL SEX AND NOT SUBJECTIVE GENDER IDENTITY; CLARIFYING THE MEANING OF THE TERM "GENDER"; ~~PROVIDING FOR EXCEPTIONS;~~ AMENDING SECTIONS 2-18-208, ~~2-18-606~~, 7-15-4207, 7-34-2123, ~~10-2-403~~, 13-27-408, 13-35-301, 13-38-201, ~~13-38-203~~, 13-38-205, 19-2-802, ~~20-6-808~~, ~~20-7-1306~~, 20-7-1703, 20-9-327, ~~20-11-116~~, 20-25-501, 20-25-707, 22-2-306, ~~23-2-505~~, 33-1-201, 35-20-209, 39-2-912, ~~39-29-101~~, ~~39-71-401~~, 40-1-107, ~~40-1-311~~, 40-1-401, ~~40-5-804~~, 40-5-907, 40-5-1031, 40-6-701, 40-6-703, ~~41-3-210~~, 41-5-103, 42-2-204, ~~44-2-411~~, ~~44-2-412~~, 45-5-625, ~~46-18-101~~, 46-19-301, 46-19-401, 49-1-102, 49-2-101, 49-3-101, ~~50-4-720~~, 50-5-105, 50-5-602, 50-11-101, 50-15-101, 50-19-103, ~~50-19-501~~, 50-60-214, 53-20-142, 53-21-121, 53-21-142, 53-24-310, ~~53-30-312~~, 60-5-514, 60-5-522, 61-5-107, 72-1-103, ~~72-17-106~~, ~~AND 90-14-104~~, MCA; REPEALING SECTION 1-1-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, IN HUMAN BEINGS, THERE ARE TWO -- AND ONLY TWO -- SEXES: MALE AND FEMALE, WHICH REFER TO THE TWO BODY STRUCTURES (PHENOTYPES) THAT, IN NORMAL DEVELOPMENT, CORRESPOND TO ONE OR THE OTHER GAMETE -- SPERM FOR MALES AND OVA FOR FEMALES; AND

WHEREAS, EVERY INDIVIDUAL IS EITHER MALE OR FEMALE; AND

WHEREAS, AN INDIVIDUAL'S SEX CAN BE OBSERVED OR CLINICALLY VERIFIED AT OR BEFORE BIRTH; AND

WHEREAS, RARE DISORDERS OF SEXUAL DEVELOPMENT ARE NOT EXCEPTIONS TO THE BINARY NATURE OF SEX; AND

WHEREAS, IN NO CASE IS AN INDIVIDUAL'S SEX DETERMINED BY STIPULATION OR SELF-IDENTIFICATION; AND

- 1 (3) the person's ability or inability to locate suitable alternative accommodations;
- 2 (4) the person's term of residence in Montana;
- 3 (5) the person's gender, as provided in [section 1], as it relates to availability of appropriate living
- 4 space;
- 5 (6) the ability of the Montana veterans' home to meet the person's needs; and
- 6 (7) other admission requirements established by the department."
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8 **Section 7.** Section 13-27-408, MCA, is amended to read:

9 **"13-27-408. Rejection of improper arguments.** The secretary of state shall reject, with the approval

10 of the attorney general, an argument or other matter held to contain obscene, vulgar, profane, scandalous,

11 libelous, or defamatory matter; any language that in any way incites, counsels, promotes, or advocates hatred,

12 abuse, violence, or hostility toward, or that tends to cast ridicule or shame upon, a group of persons by reason

13 of race, color, religion, ~~or~~ sex, as defined in 4-4-204 [section 1]. sexual orientation, sexual identity, or sexual

14 expression; or any matter not allowed to be sent through the mail. Such arguments may not be filed or printed

15 in the voter information pamphlet."

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17 **Section 8.** Section 13-35-301, MCA, is amended to read:

18 **"13-35-301. Adoption of code of fair campaign practices.** The following code of fair campaign

19 practices is adopted by Montana:

20 "There are basic principles of decency, honesty, and fair play that every candidate for public office in

21 the United States has a moral obligation to observe and uphold, in order that, after vigorously contested but

22 fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled

23 choice and the will of the people may be fully and clearly expressed on the issues before the country.

24 Therefore:

25 I will conduct my campaign in the best American tradition, discussing the issues as I see them,

26 presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record

27 and policies of my opponent and my opponent's party that merit such criticism.

28 I will defend and uphold the right of every qualified American voter to full and equal participation in the