



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB1209

Introduced 1/9/2025, by Rep. David Friess

#### SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 70/1.46 new

5 ILCS 70/1.47 new

5 ILCS 70/1.48 new

5 ILCS 70/1.49 new

Creates the Classification by Biological Sex Act. Sets forth findings. Provides that 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 antidiscrimination laws or for the purpose of gathering public health, crime, economic, or other data shall classify each individual who is part of the collected data set as either male or female at birth. Amends the Statute on Statutes. Sets forth the meaning of the following terms as used in any statute or any rule or regulation: sex; female and male; woman and girl; man and boy; and mother and father.

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1 AN ACT concerning sex-based classification.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Classification by Biological Sex Act.

6 Section 5. Findings. The General Assembly finds that:

7 (1) When it comes to biological sex, "equal" not does  
8 not mean "same" or "identical".

9 (2) Policies and laws that distinguish between the  
10 sexes are subject to intermediate constitutional scrutiny,  
11 which forbids unfair discrimination against similarly  
12 situated males and females, but allows the law to  
13 distinguish between the sexes if doing so is substantially  
14 related to important governmental objectives.

15 Section 10. Data classification. Any public school or  
16 school district and any State or local agency, department, or  
17 office that collects vital statistics for the purpose of  
18 complying with antidiscrimination laws or for the purpose of  
19 gathering public health, crime, economic, or other data shall  
20 classify each individual who is part of the collected data set  
21 as either male or female at birth.

1 Section 15. The Statute on Statutes is amended by adding  
2 Sections 1.46, 1.47, 1.48, and 1.49 as follows:

3 (5 ILCS 70/1.46 new)

4 Sec. 1.46. Biological sex. Notwithstanding any other  
5 provision of law, in determining the meaning of any statute or  
6 any rule or regulation, a person's sex is either male or  
7 female, as classified at birth.

8 (5 ILCS 70/1.47 new)

9 Sec. 1.47. Female or male. Notwithstanding any other  
10 provision of law, in determining the meaning of any statute or  
11 any rule or regulation, a female is an individual whose  
12 biological reproductive system is developed to produce ova,  
13 and a male is an individual whose biological reproductive  
14 system is developed to fertilize the ova of a female.

15 (5 ILCS 70/1.48 new)

16 Sec. 1.48. Woman and girl; man and boy. Notwithstanding  
17 any other provision of law, in determining the meaning of any  
18 statute or any rule or regulation, the terms "woman" and  
19 "girl" refer to a human female, and the terms "man" and "boy"  
20 refer to a human male.

21 (5 ILCS 70/1.49 new)

22 Sec. 1.49. Mother or father. Notwithstanding any other

1 provision of law, in determining the meaning of any statute or  
2 any rule or regulation, a mother is a parent of the female sex,  
3 and a father is a parent of the male sex.