



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4531

Introduced 1/31/2024, by Rep. David Friess, Dan Caulkins, Blaine Wilhour and Adam M. Niemerg

SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 70/1.45 new

5 ILCS 70/1.46 new

5 ILCS 70/1.47 new

5 ILCS 70/1.48 new

Creates the Classification by Biological Sex Act. Sets forth findings. Provides that any public school or school district and any State, local agency, department or office that collects vital statistics for the purpose of complying with antidiscrimination laws or for the purpose of gathering accurate 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: a person's 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) When it comes to biological sex, separate is not
10 inherently unequal.

11 (3) There are legitimate reasons to distinguish
12 between the biological sexes with respect to athletics,
13 prisons or other detention facilities, domestic violence
14 shelters, rape crisis centers, locker rooms, restrooms,
15 and other areas where biology, safety, or privacy are
16 implicated.

17 (4) Policies and laws that distinguish between the
18 biological sexes are subject to intermediate
19 constitutional scrutiny, which forbids unfair
20 discrimination against similarly situated males and
21 females, but allows the law to distinguish between the
22 biological sexes if doing so is substantially related to
23 important governmental objectives.

1 Section 10. Data classification. Any public school or
2 school district and any State, local agency, department or
3 office that collects vital statistics for the purpose of
4 complying with antidiscrimination laws or for the purpose of
5 gathering accurate public health, crime, economic, or other
6 data shall classify each individual who is part of the
7 collected data set as either male or female at birth.

8 Section 15. The Statute on Statutes is amended by adding
9 Sections 1.45, 1.46, 1.47, and 1.48 as follows:

10 (5 ILCS 70/1.45 new)

11 Sec. 1.45. Biological sex. Notwithstanding any other
12 provision of law, in determining the meaning of any statute or
13 any rule or regulation, a person's sex is his or her biological
14 sex, either male or female, as classified at birth.

15 (5 ILCS 70/1.46 new)

16 Sec. 1.46. Female or male. Notwithstanding any other
17 provision of law, in determining the meaning of any statute or
18 any rule or regulation, a female is an individual whose
19 biological reproductive system is developed to produce ova,
20 and a male is an individual whose biological reproductive
21 system is developed to fertilize the ova of a female.

1 (5 ILCS 70/1.47 new)

2 Sec. 1.47. Woman and girl; man and boy. Notwithstanding
3 any other provision of law, in determining the meaning of any
4 statute or any rule or regulation, the terms "woman" and
5 "girl" refer to a human female, and the terms "man" and "boy"
6 refer to a human male.

7 (5 ILCS 70/1.48 new)

8 Sec. 1.48. Mother or father. Notwithstanding any other
9 provision of law, in determining the meaning of any statute or
10 any rule or regulation, a mother is a parent of the female
11 biological sex, and a father is a parent of the male biological
12 sex.