



## **House Bill 421 (Changing definitions of gender and sex) Bill Overview**

HB 421 rewrites the legal definitions of male, female, mother, father, sex, and gender and changes all existing Idaho statutes, rules and policies that reference the words to the new definitions. HB 421 provides highly restrictive definitions for the terms "sex" and "gender" in Idaho code, equating them solely with an elementary definition of "biological sex." By changing these definitions, Idaho statute will erase gender identity, an internal sense of gender, experienced gender, gender expression, and gender role. This narrow definition conflicts with binding interpretations of federal protections under the U.S. Constitution, Title IX, and Title VII.

Additionally, the bill mandates the inclusion of every individuals' "sex at birth" on birth certificates, which further muddles accurate documentation for trans and non-binary people.

It applies these restrictive definitions across **all laws, rules and policies of the state of Idaho.**

This bill wants to legally redefine "sex" in a way that intends to erase transgender, nonbinary, intersex, and other gender non-conforming people from Idaho code.

### **ACLU of Idaho position:**

The ACLU & ACLU of Idaho strongly opposes HB 421.

The ACLU and ACLU of Idaho affirms that individuals who are trans, intersex, and nonbinary have an inherent right to exist and use terms that accurately match their gender identity, including on government documents.

### **Where did this idea come from?**

These bills are part of a broader effort by a conservative organization called the Independent Women's Forum/Independent Women's Voice. They have pushed this model legislation throughout the country. They purport to protect women, but all these bills do is harm trans and nonbinary people.

### **Do other states have bills like these?**

Last year, similar laws were passed in Montana, Tennessee, and Kansas. These laws have negatively affected transgender people's ability to get accurate state IDs like driver's licenses and birth certificates. In Tennessee and Kansas, trans individuals can no longer update their birth certificates or licenses. Legal actions in Montana and Kansas are underway to challenge these laws and their impact on ID issuance.



**Why community should be concerned:**

- This bill would force transgender people to live a lie and put them at risk of harm by disclosing the sex they were assigned at birth on documents like driver's licenses, marriage licenses and burial paperwork.
- Gender identity is complex and cannot be reduced to a binary. Despite what the bill sponsors claim, a spectrum of gender identity has been supported by decades of widely accepted peer-reviewed medical and scientific research and practice.
- Intersex people are entirely erased, and it is not clear how their sex would be assigned for purposes of state law.
- Trans people are currently able to update the gender marker on their driver's licenses, which are much more widely used as a form of ID than a birth certificate. If this bill passed, they likely would no longer be able to do so. Trans people could have the fact that they are transgender disclosed every time they use their license, such as traveling, applying for a job, or going out to a restaurant or bar.
- The bill might also impact same-sex couples and their children by narrowly defining "mother" and "father." If Idaho code references use those terms, they might not be interpreted to include same-sex couples raising children together.