

HOUSE BILL NO. 1474

Introduced by

Representatives S. Olson, D. Anderson, Christensen, Kasper, Koppelman, Prichard, Steiner
Senator Boehm

1 A BILL for an Act to create and enact a new section to chapter 23-02.1 of the North Dakota
2 Century Code, relating to vital statistic collection; and to amend and reenact section 1-01-49 of
3 the North Dakota Century Code, relating to the definition of father, female, male, mother, and
4 sex.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 1-01-49 of the North Dakota Century Code is amended
7 and reenacted as follows:

8 **1-01-49. Other general definitions.**

9 As used in this code, unless the context otherwise requires or unless otherwise defined:

- 10 1. "Depose" includes every mode of written statement under oath or affirmation.
11 2. "Executor" includes administrator and "administrator" includes executor.
12 3. "Father" means a parent of the male sex.
13 4. "Female" means a girl, woman, or an individual whose biological reproductive system
14 is developed to produce ova.
15 5. "Individual" means a human being.
16 6. "Male" means a boy, man, or an individual whose biological reproductive system is
17 developed to fertilize the ova of a female.
18 7. "Mother" means parent of the female sex.
19 ~~4.8.~~ "Oath" includes "affirmation".
20 ~~5.9.~~ "Organization" includes a foreign or domestic association, business trust, corporation,
21 enterprise, estate, joint venture, limited liability company, limited liability partnership,
22 limited partnership, partnership, trust, or any legal or commercial entity.
23 ~~6.10.~~ "Partnership" includes a limited liability partnership registered under chapter 45-22.
24 ~~7.11.~~ "Penitentiary" includes any affiliated facilities.

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- 1 ~~8-12.~~ "Person" means an individual, organization, government, political subdivision, or
2 government agency or instrumentality.
- 3 ~~9-13.~~ "Personal property" includes money, goods, chattels, things in action, and evidences
4 of debt.
- 5 ~~10-14.~~ "Preceding" and "following" when used by way of reference to a chapter or other part
6 of a statute means the next preceding or next following chapter or other part.
- 7 ~~11-15.~~ "Primary sector business" means an individual, corporation, limited liability company,
8 partnership, or association certified by the department of commerce division of
9 economic development and finance which through the employment of knowledge or
10 labor adds value to a product, process, or service which results in the creation of new
11 wealth.
- 12 For purposes of this subsection, "new wealth" means revenues generated by a
13 business in this state through the sale of products or services to:
- 14 a. Customers outside of this state; or
- 15 b. Customers in this state if the products or services were previously unavailable or
16 difficult to obtain from a business in this state.
- 17 ~~12-16.~~ "Process" means a writ or summons issued in the course of judicial proceedings.
- 18 ~~13-17.~~ "Property" includes property, real and personal.
- 19 ~~14-18.~~ "Real property" shall be coextensive with lands, tenements, and hereditaments.
- 20 ~~15-19.~~ "Rule" includes regulation.
- 21 ~~16-20.~~ "Sex" means ~~an individual's biological sex and is based solely on an individual's~~
22 ~~reproductive biology and genetics~~the biological state of being male or female, based
23 on the individual's nonambiguous sex organs, chromosomes, and endogenous
24 hormone profiles at birth.
- 25 ~~17-21.~~ ~~21.~~ "Signature" or "subscription" includes "mark" when the person cannot write, the
26 person's name being written near it and written by a person who writes that person's
27 own name as a witness.
- 28 ~~18-22.~~ "State" when applied to the different parts of the United States, includes the District of
29 Columbia and the territories.
- 30 ~~19-23.~~ "Testify" includes every mode of oral statement under oath or affirmation.
- 31 ~~20-24.~~ "United States" includes the District of Columbia and the territories.

1 ~~20-25.~~ "Will" includes codicils.

2 ~~24-26.~~ "Writ" means an order or precept in writing, issued in the name of the state or of a
3 court or judicial officer.

4 **SECTION 2.** A new section to chapter 23-02.1 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Vital statistics collection.**

7 A school district or state agency or state department collecting vital statistics to comply with
8 a nondiscrimination law or to gather accurate public health, criminal, economic, or other data
9 shall identify each individual in the collected data set as either male or female, based solely on
10 the individual's ~~reproductive biology and genetics~~ nonambiguous sex organs, chromosomes,
11 and endogenous hormone profiles at birth.