

HB 1181: The Importance of Defining Gender as Binary, Sex at Birth
House Human Services Committee
January 21, 2015
Presented by Rep. SuAnn Olson

Mr. Chairman and members of the committee, please note that I am presenting HB 1181 with an amendment. The language that had been stricken should have remained. HB 1181 as amended is a simple bill that seeks to define "gender." The "definition" currently in state law simply states that a reference to a single sex, or gender, can mean a reference to others. For example, "all men are created equal" refers to all of us, men and women.

The changes on lines **8 - 12** of the bill as amended define gender as an individual's determined sex at birth, being male or female and on lines **13 - 14** provides that if sex, gender, gender identity or gender expression are contested, the determination is established via the individual's DNA. Further, lines **15 - 19** require that this definition apply to all policies, forms, and various materials used by any entity receiving state funding, including public schools and institutions of higher education, and a state agency or office.

Why are these changes needed?

As of yesterday, this change is needed so that North Dakota is in alignment with the federal government. In the President's speech yesterday at the Capitol, he said, "As of today, it will henceforth be the official policy of the United States government that there are only two genders: male and female." The changes in this bill do just that.

Honesty, Clarity, and Equal Opportunity

One of the primary reasons for advocating a binary gender definition is that it is scientifically honest. In the study of biology, every cell in each individual reveals biological identity as being either male or female. No clothing, hair style, drugs, or mutilations change that fact. A binary definition of gender is fixed and reliable. For example, reproductive roles between males and females are clear distinctions between binary genders as are the differences in physical characteristics such as body size, muscle mass and voice pitch.

Being scientifically honest brings clarity to roles, responsibilities, and expectations. NDCC requires that bathrooms and shower rooms in schools, dormitories, and penitentiaries be available based on biological sex. Further, state law requires equal opportunity for girls and women by prohibiting boys and men from participating on female high school and college sports teams. Defining gender in any other way diminishes honesty, clarity and equal opportunity. Gender is not illusory. Wanting it to be does not make it so.

We have only to look at what has and is happening in women and girls' sports around the country to see the absurdity of what gender dishonesty has brought us. Payton

McNabb of North Carolina still struggles with partial paralysis after being hit in the face in 2022 by a volleyball launched by a male athlete during a high school game.

Simplicity and accuracy in data collection and statistical analysis

Government organizations and health services often rely on gender data to make policy decisions. A binary gender model makes the collection and interpretation of demographic data straightforward. For instance, categories for sex or gender in surveys or censuses can be easily defined as male or female, which yields statistical analysis that is more accurate. In addition, maintaining gender as binary ensures consistency in laws.

Cultural and Religious Considerations

As Americans, we are proud of our "melting pot" heritage. The vibrant customs of our people are important to all of us. A binary view of gender supports the cultures and religions that are our heritage, and which make us uniquely American. For example, major world religions (such as Christianity, Islam, and Judaism) have defined gender roles as an essential part of their moral and theological teachings. A binary understanding of gender is rooted in divine law or sacred texts, and any deviation conflicts rather than supports these principles. Cultural practices, rituals, and social norms are often rooted in the binary conception of gender. For instance, various rites of passage are frequently gender specific (quinceañeras, bar and bat mitzvahs for example). Here too, defining gender as binary supports our varied cultural traditions and heritage.

Mr. Chairman and members of the committee, I respectfully urge you to give HB 1181 as amended a DO PASS recommendation.

Thank you.