

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE CONCURRENT RESOLUTION NO. 3010

(Representatives S. Olson, K. Anderson, Henderson, Meier, Novak, Rohr, Steiner, VanWinkle)

A concurrent resolution urging public schools and public entities, including agencies or departments that collect vital statistics, to protect women's rights by distinguishing between the sexes according to biological sex at birth for the purpose of providing equal opportunities and ensuring the privacy and safety of women and girls.

WHEREAS, a male and a female possess unique and immutable biological differences that manifest prior to birth and increase as the individual ages and experiences puberty; and

WHEREAS, biological differences between the sexes mean that only a female is able to become pregnant, give birth, and breastfeed children; and

WHEREAS, biological differences between the sexes mean that a male is, on average, bigger, stronger, and faster than a female; and

WHEREAS, biological differences between the sexes leave a female more physically vulnerable than a male to specific forms of violence, including sexual violence; and

WHEREAS, females have suffered historically from discrimination in education, athletics, and employment; and

WHEREAS, when it comes to sex, "equal" does not mean "same" or "identical" and separate is not inherently unequal; and

WHEREAS, biological differences between the sexes are enduring and may warrant the creation of separate social, educational, athletic, or other spaces to ensure safety or allow members of each sex to succeed and thrive; and

WHEREAS, inconsistencies in court rulings and policy initiatives with respect to the definitions of "sex", "male", "female", "man", and "woman" have led to endangerment of single-sex spaces and resources, thereby necessitating clarification of certain terms; and

WHEREAS, there are legitimate reasons to distinguish between the sexes with respect to athletics, prisons and other detention facilities, domestic violence shelters, rape and abuse crisis centers, locker rooms, restrooms, and other areas where safety and privacy are implicated; and

WHEREAS, policies and laws that distinguish between the sexes are subject to intermediate constitutional scrutiny, which forbids unfair discrimination against similarly situated males and females but allows the law to distinguish between the sexes if distinctions are substantially related to important governmental objectives;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-eighth Legislative Assembly urges public schools and public entities, including agencies or departments that collect vital statistics, to protect women's rights by distinguishing between the sexes according to biological sex at birth for the purpose of providing equal opportunities and ensuring the privacy and safety of women and girls; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to the Superintendent of Public Instruction, the superintendent of each school district in the state, and the Commissioner of the Department of Health and Human Services.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate