

FAMILY ISSUES FACT SHEET

No. 2024-06 (January 2024)

SB 1628 SEX-BASED TERMS; LAWS; RULES; REGULATIONS

EXECUTIVE SUMMARY

[SB 1628](#), known as the “Arizona Women’s Bill of Rights” brings clarity, certainty, and uniformity to the laws of the state regarding sexual discrimination, equality of the sexes, and benefits and services that are specifically provided for women and girls and men and boys. It erases any confusion by statutorily defining sex and helping to protect sex-specific spaces that have been set aside for the safety and well-being of women and girls.

BACKGROUND

In his 2011 book “What We Can’t Not Know,”¹ University of Texas philosopher J. Budziszewski challenged the modern concept of the “unknowability” of truth. The professor couldn’t have anticipated, even little more than decade ago, our remarkable current moment in which *a nominee for the U.S. Supreme Court* refused to respond to a question with a most obvious “can’t not know” answer: “Can you provide a definition for the word woman?”²

SB 1628 answers that question definitively in law and helps protect women and girls from the intrusion of males into female-specific spaces.

Discrimination against women and girls in education, athletics, and employment led to the passage of Title IX of the Education Amendments of 1972. Title IX’s prohibition of discrimination “on the basis of sex” *presupposed* the obvious definition of “sex” for the purposes of the law. As such, “[u]ntil recently, no precise legal definition of sex—and especially the terms “male” and “female”—was needed because no one contested it.”³

But the rapid rise of transgender activism has gone far in convincing the culture, courts, many lawmakers, and the most powerful institutions to call into question basic, objective facts about the nature of human persons. When the definition of “sex” is pushed into the contested space, women and girls suffer the most.

Males have increasingly encroached on women’s and girls’ sports, intimate spaces like showers and changing areas, battered women’s shelters, women’s prisons, and other female-specific areas. This is primarily because of the unnecessary confusion created by transgender ideology, which has influenced so many areas of modern life.

SB 1628 brings the law in line with reality for the benefit of women and girls.

WHAT THE BILL DOES

1. Defines a person’s “sex” as his or her biological sex – male or female – for all purposes of state law. In addition, it defines sex-based terms like “woman,” “girl,” “man,” “boy,” “mother,” and “father.”
2. Helps protect women’s and girls’ safety and privacy by making clear that the state has an interest in preserving single-sex spaces.
3. Doesn’t change current law or create any new restrictions on anyone’s legal rights.

TALKING POINTS

1. **The law should reflect reality.** This bill expresses the simple truth that there are two sexes –male and female—and that there are good reasons for there to be certain single-sex spaces.
2. **Women and girls deserve to be safe in the places where they are most vulnerable.** The “Arizona Women’s Bill of Rights” helps protect women and girls from unwanted intrusions by males into intimate spaces.
3. **Women’s and girls’ hard-won equality is threatened when males identifying as female are permitted to take women’s places.** Males should not be eligible for sports, scholarships, or any other benefits that have been, for legitimate and important purposes, set aside specifically for women and girls.
4. **We have seen far too many examples of girls and women physically injured, relegated to the bench, and bumped off the winner’s podium by males competing as females.**

CONCLUSION

Laws are good only when they comport with reality. SB 1628 enshrines truth into the law. It rejects the fiction that the definitions of “male” and “female” are truly in question. Protecting women and girls requires facts and clarity. The “Arizona Women’s Bill of Rights” provides both.

¹ Budziszewski, J. (2011, February 11). What We Can't Not Know: A Guide, Ignatius Press.

<https://ignatius.com/what-we-cant-not-know-wwcnkp/>

² Burk, D. (2022, March 23). Do you know what a woman is? Ketanji Brown Jackson Doesn't, dennyburk.com.

<https://www.dennyburk.com/do-you-know-what-a-woman-is-ketanji-brown-jackson-doesnt/>

³ Richards, J. (2023, March 31). Why States Must Define Sex Precisely, The Heritage Foundation.

<https://www.heritage.org/gender/commentary/why-states-must-define-sex-precisely>