

1 SENATE BILL NO. 458  
2 INTRODUCED BY C. GLIMM  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS TO PROVIDE A COMMON  
5 DEFINITION FOR THE WORD "SEX" WHEN REFERRING TO A HUMAN; AND AMENDING SECTIONS 1-1-  
6 201, 2-18-208, 7-15-4207, 7-34-2123, 13-27-408, 13-35-301, 13-38-201, 20-7-1306, 20-9-327, 20-25-501, 20-  
7 25-707, 22-2-306, 33-1-201, 35-20-209, 39-2-912, 40-1-107, 40-1-401, 40-5-907, 40-5-1031, 41-5-103, 42-2-  
8 204, 45-5-625, 46-19-301, 46-19-401, 46-32-105, 49-1-102, 49-2-101, 49-3-101, 50-5-105, 50-5-602, 50-11-  
9 101, 50-15-101, 50-19-103, 50-60-214, 53-20-142, 53-21-121, 53-21-142, 60-5-514, 60-5-522, 61-5-107, AND  
10 72-1-103, MCA."

11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
13

14 **Section 1.** Section 1-1-201, MCA, is amended to read:

15 **"1-1-201. Terms of wide applicability.** (1) Unless the context requires otherwise, the following  
16 definitions apply in the Montana Code Annotated:

17 (a) "Female" means a member of the human species ~~that who~~, under normal development, ~~has XX~~  
18 ~~chromosomes and produces a or would produce~~ relatively large, relatively immobile ~~gamete gametes, or egg~~  
19 ~~eggs, during her life cycle and has a reproductive and endocrine system oriented around the production of that~~  
20 ~~gamete those gametes. AN INDIVIDUAL WHO CANNOT PRODUCE AN EGG DUE TO A CONDITION AT BIRTH, BUT WHO HAS~~  
21 ~~MALE SEX CHROMOSOMES AND NONAMBIGUOUS INTERNAL GENITALIA IS A FEMALE MEMBER OF THE HUMAN SPECIES. An~~  
22 ~~individual who would otherwise fall within this definition, but for a biological or genetic condition, is female.~~

23 (b) "Male" means a member of the human species ~~that who~~, under normal development, ~~has XY~~  
24 ~~chromosomes and produces or would produce~~ small, mobile gametes, or sperm, during his life cycle and has a  
25 reproductive and endocrine system oriented around the production of ~~that gamete those gametes. An~~  
26 ~~INDIVIDUAL WHO CANNOT PRODUCE SPERM DUE TO A CONDITION AT BIRTH, BUT WHO HAS FEMALE SEX CHROMOSOMES~~  
27 ~~AND NONAMBIGUOUS EXTERNAL GENITALIA IS A MALE MEMBER OF THE HUMAN SPECIES. An individual who would~~  
28 ~~otherwise fall within this definition, but for a biological or genetic condition, is male.~~

1 (a)(c) "Oath" includes an affirmation or declaration.

2 (b)(d) "Person" includes a corporation or other entity as well as a natural person.

3 (e)(e) "Several" means two or more.

4 (f) "Sex" means the organization of the body parts and gametes for reproduction in human beings

5 and other organisms. In human beings, there are exactly two sexes, male and female, with two corresponding

6 types of gametes. The sexes are determined by the biological and genetic indication of male or female,

7 including sex chromosomes, naturally occurring sex chromosomes, gonads, and nonambiguous internal and

8 external genitalia present at birth, without regard to an individual's psychological, behavioral, social, chosen, or

9 subjective experience of gender. ~~THE SEX OF AN INDIVIDUAL WITH A CHROMOSOMAL INTERSEX CONDITION OR~~

10 ~~INDIVIDUAL WHO CANNOT PRODUCE EGG OR SPERM GAMETES DUE TO A CONDITION AT BIRTH MUST BE DETERMINED~~

11 ~~BASED ON THE MOST PREDOMINANT PHYSICAL CHARACTERISTICS OBSERVED AT THE TIME OF BIRTH.~~

12 (d)(g) "State", when applied to the different parts of the United States, includes the District of

13 Columbia and the territories.

14 (e)(h) "United States" includes the District of Columbia and the territories.

15 (2) Wherever the word "man" or "men" or a word that includes the syllable "man" or "men" in

16 combination with other syllables, such as "workman", appears in this code, the word or syllable includes

17 "woman" or "women" unless the context clearly indicates a contrary intent and unless the subject matter of the

18 statute relates clearly and necessarily to a specific sex only.

19 (3) Whenever the term "heretofore" occurs in any statute, it must be construed to mean any time

20 previous to the day the statute takes effect. Whenever the word "hereafter" occurs, it must be construed to

21 mean the time after the statute containing the term takes effect."

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23 **Section 2.** Section 2-18-208, MCA, is amended to read:

24 **"2-18-208. Comparable worth.** The department of administration shall, in its continuous efforts to

25 enhance the current classification plan and pay schedules, work toward the goal of establishing a standard of

26 equal pay for comparable worth. This standard for the classification plan shall be reached by:

27 (1) eliminating, in the classification of positions, the use of judgments and factors that contain

28 inherent biases based on sex, as defined in 1-1-201; and