

HOUSE JOINT RESOLUTION E

June 14, 2023, Introduced by Reps. Carra, Fox, Smit, DeSana, Rigas, Schriver, Maddock, Jaime Greene and Friske and referred to the Committee on Government Operations.

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 29 to article I, to provide definitions for certain laws, rules, and regulations that relate to an individual's sex and to impose certain protections and requirements that relate to an individual's sex.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to provide definitions for certain laws, rules, and regulations that relate to an individual's sex and to impose certain protections and requirements that relate to an individual's sex, is proposed, agreed to, and submitted to the

people of the state:

ARTICLE I

1
2 Sec. 29. (1) Notwithstanding any provision of state law to the
3 contrary, with respect to the application of an individual's
4 biological sex under any state law, rule, or regulation, the
5 following apply:

6 (a) "Sex" means the individual's biological sex, either male
7 or female, at birth.

8 (b) "Female" means an individual whose biological reproductive
9 system is developed to produce ova.

10 (c) "Male" means an individual whose biological reproductive
11 system is developed to fertilize the ova of a female.

12 (d) "Woman" and "girl" mean human females.

13 (e) "Man" and "boy" mean human males.

14 (f) "Mother" means a parent of the female sex.

15 (g) "Father" means a parent of the male sex.

16 (h) With respect to biological sex, "equal" does not mean the
17 same or identical, and separate accommodations are not inherently
18 unequal.

19 (2) An individual born with a medically verifiable diagnosis
20 of disorder or difference in sex development must be provided legal
21 protections and accommodations afforded under the Americans with
22 disabilities act of 1990, 42 USC 12101 to 12213, and any similar
23 state laws.

24 (3) Laws, rules, and regulations that distinguish between the
25 sexes are subject to intermediate constitutional scrutiny.
26 Intermediate constitutional scrutiny forbids unfair discrimination
27 against similarly situated male and female individuals but allows
28 the law to distinguish between the sexes if the distinctions are

1 substantially related to important governmental objectives.
2 Notwithstanding any provision of state law to the contrary,
3 distinctions between the sexes with respect to athletics, prisons
4 or other detention facilities, domestic violence shelters, rape
5 crisis centers, locker rooms, restrooms, and other areas where
6 biology, safety, or privacy are implicated and result in separate
7 accommodations are substantially related to the important
8 governmental objectives of protecting the health, safety, and
9 privacy of individuals in those circumstances.

10 (4) Any school district, or public school in that school
11 district, and any agency, department, office, or political
12 subdivision of this state that collects vital statistics for the
13 purpose of complying with antidiscrimination laws or for the
14 purpose of gathering accurate public health, crime, economic, or
15 other data shall identify each individual who is part of the
16 collected dataset as either male or female at birth.

17 Resolved further, That the foregoing amendment shall be
18 submitted to the people of the state at the next general election
19 in the manner provided by law.