



ROSENSTEIN, FIST & RINGOLD

RED BANNER UPDATE

Date: June 6, 2024

Re: HB 1449

Signed: May 30, 2024

Effective: November 1, 2024

Topic: Women's Bill of Rights

Summary: This bill creates a new law (*not* to be codified in the Oklahoma Statutes) the stated purpose of which is to “bring clarity, certainty, and uniformity under the laws of this state with respect to natural persons of both biological sexes and the manner in which they are treated as such under the laws of this state.” To this end the bill also amends existing law (25 O.S. §16) to define terms such as “father,” “female,” “natural person,” etc.

The bill creates an additional new law (25 O.S. § 1202) to provide that “the state, any *political subdivision*, or any state agency or department, including, but not limited to, *public school districts*, that collects vital statistics for the purpose of gathering accurate public health, crime, economic, or other data shall include, but not be limited to, the identification of any natural person who is part of the collected data as either male or female as defined in 25 O.S. §16.

The bill amends 25 O.S. § 1101 to provide that “any policy, program, or statute that prohibits sex discrimination shall be construed to forbid unfair treatment of females or males in relation to similarly situated members of the opposite sex. The state or its *political subdivisions* shall not be prohibited from establishing distinctions between sexes when such distinctions are substantially related to an important government objective, including, but not limited to, biology, privacy, safety, or fairness.” Added to 25 O.S. § 1201 is a clarification of the term “equal” concerning §16 which “shall not be construed to mean same or identical, and to differentiate between the sexes shall not necessarily be construed to be treating the sexes unequally.”

Legal counsel at the firm is currently reviewing this legislation and will be advising clients as to any recommended changes to existing district policies.