Sixty-eighth
Legislative Assembly
of North Dakota

Introduced by

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
Sixty-eighth
Legislative Assembly

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.