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HOUSE BILL 205

**56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

INTRODUCED BY

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and Cathrynn N. Brown and Candy Spence Ezzell

AN ACT

RELATING TO SEX; ENACTING THE WOMEN'S BILL OF RIGHTS ACT;  
PROVIDING FOR SINGLE-SEX ENVIRONMENTS; PROVIDING GUIDELINES FOR  
DATA COLLECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be  
cited as the "Women's Bill of Rights Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the  
Women's Bill of Rights Act:

A. "boy" means a human male who is under eighteen  
years of age;

B. "equal" does not mean "same" or "identical" with  
respect to the treatment of the different sexes and the  
objective and enduring physical differences between men and  
women;

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1 C. "father" means a male parent of a child or  
2 children;

3 D. "female" means a person who has had, will have  
4 through biological development or would have but for a  
5 developmental anomaly, genetic anomaly or accident, the  
6 reproductive system that at some point produces ova;

7 E. "girl" means a human female who is under  
8 eighteen years of age;

9 F. "male" means a person who has had, will have  
10 through biological development or would have but for a  
11 developmental anomaly, genetic anomaly or accident, the  
12 reproductive system that at some point produces sperm;

13 G. "man" means an adult human of the male sex;

14 H. "mother" means a female parent of a child or  
15 children;

16 I. "sex" means a person's objective or fixed  
17 biological categorization of either male or female as observed  
18 or clinically verified at birth; "sex" does not mean gender;  
19 and

20 J. "woman" means an adult human of the female sex.

21 SECTION 3. [NEW MATERIAL] SEX DISCRIMINATION--SINGLE-SEX  
22 ENVIRONMENTS.--

23 A. Any New Mexico policy, program or statute that  
24 prohibits discrimination on the basis of sex shall be construed  
25 as forbidding unfair treatment of females or males in relation

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1 to similarly situated members of the opposite sex. A statute  
2 prohibiting discrimination on the basis of sex shall not be  
3 construed as prohibiting separation on the basis of sex in all  
4 instances.

5 B. The state or its political subdivisions and  
6 instrumentalities may provide environments designated for one  
7 sex exclusively, where the single sexes are not similarly  
8 situated, including:

9 (1) prisons and detention centers;

10 (2) athletic facilities, including locker  
11 rooms;

12 (3) athletic competitions;

13 (4) institutions of higher education;

14 (5) living facilities;

15 (6) bathrooms;

16 (7) domestic violence shelters; and

17 (8) rape crisis centers.

18 SECTION 4. [NEW MATERIAL] SEX-SPECIFIC DATA COLLECTION.--

19 A public school, school district, state agency or political  
20 subdivision of the state that collects vital statistics related  
21 to sex for the purpose of complying with antidiscrimination  
22 laws or for the purpose of gathering accurate public health,  
23 crime, economic or other data shall, to the extent feasible,  
24 identify each natural person who is part of the collected data  
25 set as either male or female. Compliance with this section

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1 shall not require the collection of data related to sex unless  
2 otherwise required by law, and it shall not prevent the  
3 collection of additional data points other than sex.

4 SECTION 5. [NEW MATERIAL] SEVERABILITY.--If any part or  
5 application of the Women's Bill of Rights Act is held invalid,  
6 the remainder or its application to other situations or persons  
7 shall not be affected.