**South Carolina General Assembly**

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**STATUS INFORMATION**

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Summary: Human Biological Sexes

**HISTORY OF LEGISLATIVE ACTIONS**

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 12/5/2024 House Prefiled

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**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3506_20241205.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 29 TO CHAPTER 1, TITLE 1 SO AS TO PROVIDE DEFINITIONS AND OTHER RULES OF CONSTRUCTION RELATING TO HUMAN BIOLOGICAL SEXES FOR PURPOSES OF THE LAWS, ADMINISTRATIVE REGULATIONS, AND GUIDELINES OF SOUTH CAROLINA.

Whereas, in human beings, there are two, and only two, sexes, male and female, which refer to the two body structures or phenotypes that, in normal development, correspond to one or the other gamete, sperm for males and ova for females; and

Whereas, every individual is either male or female; and

Whereas, an individual’s sex can be observed or clinically verified at or before birth; and

Whereas, rare disorders of sexual development are not exceptions to the binary nature of sex; and

Whereas, in no case is an individual’s sex determined by stipulation or self‑identification; and

Whereas, there is increasing confusion about the definition and implications of sex as a biological truth and its relationship to concepts and terms including, but not limited to, sex assigned at birth, gender, gender identity, gender role, gender expression, and experienced gender; and

Whereas, confusion and ambiguities surrounding the definitions of sex, male, female, and related terms can hinder individual efforts to enjoy equal treatment under the law; and

Whereas, legal equality of the two sexes, male and female, does not imply that the sexes are identical to each other or are the same in every respect; and

Whereas, with respect to the two sexes, male and female, separate facilities or sports leagues established because of or organized according to physical differences between the sexes do not constitute unequal treatment under the law; and

Whereas, physical differences between males and females are enduring, and the two sexes are not fungible; and

Whereas, it is the intent of the General Assembly to clarify and reconcile the meaning of sex, male, female, and related terms in state laws, administrative regulations, and guidelines. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 1, Title 1 of the S.C. Code is amended by adding:

Article 29

Human Biological Sexes

 Section 1‑1‑1910. For the purposes of the laws, administrative regulations, and guidelines of South Carolina:

 (1) An individual’s sex refers to his or her biological sex, either male or female.

 (2) When used to refer to a natural person, “female” means an individual who naturally has, had, will have, or would have, but for a developmental or genetic anomaly or historical accident, the reproductive system that at some point produces, transports, and utilizes eggs for fertilization.

 (3) When used to refer to a natural person, “male” means an individual who naturally has, had, will have, or would have, but for a developmental or genetic anomaly or historical accident, the reproductive system that at some point produces, transports, and utilizes sperm for fertilization.

 (4) “Woman” means an adult human female.

 (5) “Girl” means a minor human female.

 (6) “Man,” except when used as a generic reference to human beings, means an adult human male.

 (7) “Boy” means a minor human male.

 (8) “Mother” means a female parent.

 (9) “Father” means a male parent.

 (10) “Gender” when used alone to refer to males, females, or the natural differences between males and females:

 (a) shall be considered a synonym for sex, and

 (b) shall not be considered a synonym or short‑hand expression for gender identity, experienced gender, gender expression, or gender role.

 This definition shall not apply when the term gender is used in conjunction with other words or as an adjective to modify other words, or when context or explicit definition in preexisting state law, administrative regulations, or guidelines indicates otherwise.

 (11) “Gender identity,” if used in state law, administrative regulations, or guidelines, shall not be considered a synonym or substitute for sex or gender.

 Section 1‑1‑1920. The definitions of “sex,” “male,” and “female” in Section 1‑1‑1910 do not preclude the reasonable accommodation of persons with a congenital and physically verifiable diagnosis of a “DSD,” sometimes referred to as “disorders of sex development” or “differences in sex development.”

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. This act takes effect upon approval by the Governor.

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