

FACT SHEET

DEFINING SEX: HB 229



This law seeks to establish a binary definition of sex and dictate that Texans must be identified as either “male” or “female” by government entities. While it is not yet clear how state agencies and local governments will interpret or enforce this law, HB 229 is a discriminatory attempt to enshrine two genders into law while denying the existence of intersex and non-binary Texans.

- **HB 229 Could Apply to Most Government Entities in Texas.** This law requires local and state government entities that “collect[] vital statistics information . . . for the purpose of complying with antidiscrimination laws or for the purpose of gathering public health, crime, economic, or other data” to “identify each individual as either male or female.” Because “other data” is broad and undefined, this law could apply to nearly every state and local agency in Texas.
- **This Law Defines Sex Solely Based on Someone’s Ability to Reproduce, Which Attempts to Legally Erase Transgender and Intersex Texans.** HB 229 requires government entities to “identify each individual as either male or female.” The law defines “female” as “an individual whose biological reproductive system is developed to produce ova” and “male” as “an individual whose biological reproductive system is developed to fertilize the ova of a female.” By legally defining sex based on someone’s ability to reproduce, HB 229 ignores the scientific reality that countless transgender and intersex people live in our state and deserve to be recognized by government agencies.
- **HB 229 Could Lead to Inaccurate Government Records.** Transgender and intersex Texans need identity documents that reflect their true identities. Requiring agencies to inaccurately classify people based on their ability to reproduce will lead to dangerous situations where people’s documents do not reflect who they are, and state and local agencies could be forced to maintain inaccurate and incomplete information.
- **HB 229 Will Also Harm All Texans Who Cannot Reproduce.** Because this law defines “female” and “woman” based on someone’s ability to produce ova, it excludes post-menopausal and infertile people. Similarly, the law’s definition of “male” is limited to someone who can “fertilize the ova of a female,” which would not apply to anyone who has had a vasectomy or cannot fertilize ova. Defining sex in this way is nonsensical and deeply problematic.

If you are impacted by HB 229 or if any of your government records are altered or changed in any way, please reach out to us at intake.aclutx.org.