

HOUSE BILL No. 1346

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-33-14.

Synopsis: Gender fluidity. Provides that a school may not promote or encourage the use of, or require, compel, or coerce a student, an employee of the school, or a staff member of the school to use: (1) a pronoun, title, or other word to identify a student, school employee, or other individual that is inconsistent with the student's, employee's, or individual's biological sex; or (2) a name or nickname to identify a student that is inconsistent with the student's name on the student's birth certificate. Creates an exception. Provides that a school may not require an employee or a staff member of the school to adopt, support, or promote gender fluidity.

Effective: July 1, 2023.

Teshka, King, Carbaugh, Wesco

January 17, 2023, read first time and referred to Committee on Education.



First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1346

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-33-14 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]:
4 **Chapter 14. Gender Identification**
5 **Sec. 1. As used in this chapter, "gender fluidity" means any**
6 **theory or ideology that adopts any of the following views:**
7 (1) **Sex is a social construct.**
8 (2) **It is possible for an individual to be:**
9 (A) **any gender; or**
10 (B) **no gender;**
11 **based on the individual's feelings or preferences.**
12 (3) **An individual's sex can be changed to align with the**
13 **gender that:**
14 (A) **the individual identifies with or expresses; and**
15 (B) **is inconsistent with the individual's sex.**
16 **Sec. 2. As used in this chapter, "health care provider" means**
17 **any of the following:**



1 (1) A psychiatrist or physician licensed under IC 25-22.5.

2 (2) A psychologist licensed under IC 25-33.

3 Sec. 3. As used in this chapter, "school" means any of the
4 following:

5 (1) A public school, including a charter school.

6 (2) A state accredited school.

7 (3) A nonaccredited nonpublic school that has at least one (1)
8 employee.

9 (4) A laboratory school established under IC 20-24.5-2.

10 (5) The Indiana School for the Blind and Visually Impaired
11 established by IC 20-21-2-1.

12 (6) The Indiana School for the Deaf established by
13 IC 20-22-2-1.

14 Sec. 4. As used in this chapter, "sex" means an individual's
15 biological sex as either male or female:

16 (1) based on the individual's genetics and reproductive
17 biology at birth, including sex organs, chromosomes, and
18 hormones, without regard to the gender that the individual
19 experiences, identifies with, or expresses; and

20 (2) as documented on the individual's official birth certificate
21 that was entered at or near the time of the individual's birth
22 modified to correct a clerical error in the individual's sex.

23 Sec. 5. Except as provided in section 6 of this chapter, a school
24 may not promote the use of, encourage the use of, or require,
25 compel, or coerce a student, an employee of the school, or a staff
26 member of the school to use:

27 (1) a pronoun, title, or other word to identify a student, school
28 employee, or other individual that is inconsistent with the
29 student's, employee's, or individual's sex; or

30 (2) a name or nickname to identify a student that is
31 inconsistent with the student's name on the student's birth
32 certificate.

33 Sec. 6. An employee or a staff member of a school may only use
34 a pronoun, title, name, nickname, or other word described in
35 section 5 of this chapter to identify a student if the student, who is
36 an adult or an emancipated minor, or a parent of a student who is
37 an unemancipated minor:

38 (1) requests in writing the use of a specific pronoun, title,
39 name, nickname, or other word to identify the student; and

40 (2) provides documentation from a health care provider
41 verifying that the student has a sincere, persistent, and
42 consistent belief that the student's gender differs from the



1 **student's sex.**
2 **Sec. 7. A school may not require an employee or a staff member**
3 **of the school to adopt, support, or promote gender fluidity.**
4 **Sec. 8. A licensing authority in Indiana may not require:**
5 **(1) an employee; or**
6 **(2) a staff member;**
7 **of a school who holds a license issued by the licensing authority to**
8 **violate any provision of this chapter as a condition of receiving or**
9 **renewing the employee's or staff member's license.**

