



## **Anti-LGBTQ+ Definitions of “Sex” and “Gender”:** House Bill 421 Fact Sheet

### **Overview**

Idaho passed a law in 2024 that redefines “sex” as either *male* or *female*, based on a person’s sex assigned at birth, and implements those new definitions throughout Idaho code.

The definitions created by the new law are very restrictive; it forces Idahoans to be classified as either “male” or “female,” and makes *sex* synonymous with *gender*. In other words, the new law ignores the concept of gender and gender identity, which is harmful to gender expansive, gender fluid, and transgender Idahoans. The new law also ignores the scientific and medical reality of folks born with reproductive anatomy that doesn’t fit the boxes of “male” or “female,” like intersex Idahoans.

*The new definitions of sex and gender will go into effect July 1, 2024.*

### **How will Idaho Enforce the New Law?**

The binary definitions of “sex” in HB 421 will be applied across **all laws, rules and policies** of the state of Idaho. However, because the legislation is vague, medically inaccurate, and over-simplified, it is unclear exactly how this law will be applied and enforced in Idaho.

What we do know is that, in addition to departing from medical and scientific knowledge, the new definitions are incredibly harmful for gender diverse, expansive, trans, and nonbinary Idahoans. It will likely cause serious administrative and legal issues and, importantly, it raises serious concerns about privacy for trans and nonbinary folks.

### **Why Does ACLU of Idaho Oppose Redefining “Sex” and “Gender”?**

The new definitions are an attempt to erase gender identity, which is harmful to gender expansive, trans, and intersex Idahoans. Trans, nonbinary, and intersex people in Idaho are deserving of equal protection and treatment under the law, and the new definitions of sex and gender threaten these rights.

The ACLU and our affiliates in Montana and Kansas are challenging similar laws because they unfairly limit the ability of trans folks to live freely and without discrimination. The new law could violate the privacy of trans and nonbinary people by forcing them to legally identify as their sex assigned at birth. It is unclear how Idaho administrative departments like the DMV will address intersex folks.

The new law could impact LGBTQ+ families because it redefines “mother” and “father.” If your family encounters problems as a result of the new law, please let us know by filing a complaint online.

### **Navigating the New Law**



## Idaho

It is unclear how the new law will impact the daily life of trans, nonbinary, and intersex Idahoans, though it will likely impact trans folks' ability to access proper identification. That means:

- It's a good idea to correct the gender marker on your state driver's license as soon as possible – and well before the law takes effect in July 2024
- You can correct your gender marker through the Idaho Transportation Department by filling [out an online form](#) and taking it to a driver's license office; you'll have to turn in your old license or card, get a new photo, and pay the fees for a new license or card.
- Keep in mind Idaho has different rules for name and gender marker changes for youth under 18 and adults. Familiarize yourself with these rules on the [National Center for Transgender Equality's website](#)
- The new law should *not* impact your ability to correct the gender marker on your U.S. passport. You can get more information about how to correct the gender marker on your U.S. passport from the National Center for Transgender Equality and the U.S. Department of State
- Consider donating to the [Reclaim Our Names](#) project at the Idaho Coalition Against Sexual and Domestic Violence, which will support Idahoans seeking a legal name change. Note the project runs during the 2024 Idaho Gives Week (April 29 to May 2) and early donations are accepted

Trans, nonbinary, and intersex Idahoans have an inherent right to exist and use the terms that accurately match their gender identity and presentation, including on government documents. If you have any issues correcting your gender marker on state-issued identification before July 1, 2024, let us know by filing a report with us.

### **Resources**

NCTE, Idaho Documents: <https://transequality.org/documents/state/idaho>

NCTE, Name changes for minors:

<https://transequality.org/sites/default/files/docs/id/NameChangesforMinors/NCTE%20Minor%20Name%20Change%20Idaho.pdf>

Idaho Department of Transportation, Gender Designation Change form: <https://itd.idaho.gov/wp-content/uploads/2017/03/3533Fill.pdf>

ACLU of Idaho, Report a Civil Liberties Violation <https://www.acluidaho.org/en/news/report-civil-liberties-violation>

Reclaim Our Names Project, Idaho Coalition Against Sexual and Domestic Violence. Donations open until May 2, 2024; to donate, visit: <https://www.idahogives.org/p2p/366983/tai-simpson-335d903e-0bdb-45f5-95f3-7dc5a99c40dc>