

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

Senate Bill 601

By Senators Grady, Boley, Chapman, Rucker,
Roberts, Swope, Phillips, Karnes, Taylor, Stuart, Tarr,
Woodrum, Martin, Hunt, Maynard, and Deeds
[Originating in the Committee on the Judiciary;
reported February 26, 2024]

1 A Bill to amend and reenact §2-2-10 of the Code of West Virginia, 1931, as amended; to amend
2 said code by adding a new article thereto, designated §16-67-1, §61-67-2, §16-67-3 and
3 §16-67-4; all relating to statutory construction creating the Women's Bill of Rights;
4 providing a short title and statement of purpose; defining terms; establishing rules of
5 construction for statutes and ordinances addressing sex discrimination, sex equality and
6 sex specific benefits or services; declaring state interest in single sex environments; and
7 establishing rules of construction in statutes and ordinances related to the sex of a person
8 or persons; and creating protocols for data collection.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 2. COMMON LAW, STATUTES, LEGAL HOLIDAYS,
DEFINITIONS, AND LEGAL CAPACITY.**

**ARTICLE 2. LEGAL HOLIDAYS; SPECIAL MEMORIAL DAYS; CONSTRUCTION OF
STATUTES; DEFINITIONS.**

§2-2-10. Rules for construction of statutes.

- 1 (a) The following terms are defined for this code:
- 2 (1) "Convict" means a person confined in a penitentiary or correctional facility of this or any
3 other state, or of the United States;
- 4 (2) "County court" includes any existing tribunal created in lieu of a county commission; the
5 words "commissioner of the county court" and "county commissioner" mean, and have reference
6 to, the commissioners, or one of them, composing a county commission in pursuance of section
7 nine, article IX of the Constitution, as amended, or any existing tribunal created in lieu of a county
8 commission;
- 9 (3) "The Governor" is equivalent to "the executive of the state" or "the person having the
10 executive power";
- 11 (4) "Judgment" includes decrees and orders for the payment of money, or the conveyance

12 or delivery of land or personal property, or some interest therein, or any undertaking, bond, or
13 recognizance which has the legal effect of a judgment;

14 (5) "Land" or "lands" and the words "real estate" or "real property" include lands, tenements
15 and hereditaments, all rights thereto and interests therein, except chattel interests;

16 (6) "Laws of the state" includes the Constitution of the State of West Virginia and the
17 Constitution of the United States, and treaties and laws made in pursuance thereof;

18 (7) "Minor" mean persons under the age of 18 years;

19 (8) "Offense" includes every act or omission for which a fine, forfeiture, or punishment is
20 imposed by law;

21 (9) "Person" or "whoever" includes corporations, societies, associations and partnerships,
22 and other similar legal business organizations;

23 (10) "Personal estate" or "personal property" includes goods, chattels, real and personal,
24 money, credits, investments, and the evidences thereof;

25 (11) "Property" or "estate" embraces both real and personal estate;

26 (12) "Railroad" and "railway" mean the same thing in law; and, in any proceeding in which a
27 railroad company or a railway company is a party, it is not an error to call a railroad company a
28 railway company or vice versa; nor may any demurrer, plea, or any other defense be set up to a
29 motion, pleading, or indictment in consequence of the misdescription;

30 (13) "State", when applied to a part of the United States and not restricted by the context,
31 includes the District of Columbia and the several territories, and the words "United States" also
32 include the district and territories;

33 (14) "Town" includes a city, village, or town, and the word "council", any body or board,
34 whether composed of one or more branches, which is authorized to make ordinances for the
35 government of a city, town, or village;

36 (15) "Written" or "in writing" includes any representation of words, letters, or figures,
37 whether by printing, engraving, writing, or otherwise. But when the signature of any person is

38 required, it must be in his or her own proper handwriting, or his or her mark, attested, proved, or
39 acknowledged. Unless a provision of this code specifically provides otherwise, an electronic
40 signature satisfies this signature requirement if the electronic signature meets the requirements of
41 §39A-1-2 of this code;

42 (b) The following rules shall be observed in the construction of statutes unless a different
43 intent on the part of the Legislature is expressed:

44 (1) A word importing the singular number only may be applied to several persons or things,
45 as well as to one person or thing; a word importing the plural number only may be applied to one
46 person or thing as well as to several; and a word importing the masculine gender only may be
47 applied to females as well as males;

48 (2) Words purporting to give joint authority to three or more persons confers authority upon
49 a majority of them, and not upon any less number;

50 (3) The sectional headings or headlines of the several sections of this code printed in
51 black-faced type are intended as mere catchwords to indicate the contents of the section and are
52 not titles of the sections, or any part of the statute, and, unless expressly so provided, they are not
53 part of the statute when the sections, including the headlines, are amended or reenacted;

54 (4) When a council of a town, city, or village, or any board, number of persons, or
55 corporations, are authorized to make ordinances, bylaws, rules, regulations, or orders, ~~the same~~
56 they must be consistent with the laws of this state;

57 (5) An officer has qualified when he or she has done all that is required by law to be done
58 before proceeding to exercise the authority and discharge the duties of his or her office;

59 (6) A statute is presumed to be prospective in its operation unless expressly made
60 retrospective;

61 (7) Unless there is a provision in a section, article, or chapter of this code specifying that its
62 provisions are not severable, the provisions of every section, article, or chapter of this code,
63 whether enacted before or subsequent to the effective date of this subdivision, are severable so

64 that if any provision of any section, article, or chapter is held to be unconstitutional or void, the
65 remaining provisions of the section, article, or chapter remain valid, unless the court finds the valid
66 provisions are so essentially and inseparably connected with, and so dependent upon, the
67 unconstitutional or void provision that the court cannot presume the Legislature would have
68 enacted the remaining valid provisions without the unconstitutional or void one, or unless the court
69 finds the remaining valid provisions, standing alone, are incomplete and are incapable of being
70 executed in accordance with the legislative intent. The provisions of this subdivision are fully
71 applicable to all future amendments or additions to this code, with like effect as if the provisions of
72 this subdivision were set forth in extenso in every amendment or addition and were reenacted as a
73 part thereof;

74 (8) A reference to any section, article, or chapter of this code applies to all reenactments,
75 revisions, or amendments thereof;

76 (9) If a statute refers to a series of numbers or letters, the first and the last numbers or
77 letters in the series are considered to be included;

78 (10) ~~No~~ A legislative enactment of a regulatory, noncriminal nature may not be construed to
79 prohibit a lawful business or business structure in existence and operating in this state prior to the
80 effective date of the enactment of legislation prohibiting the operation of such business or
81 business structure absent an express legislative declaration in the enactment that the existing
82 business or business structure is prohibited from continuing after the effective date of the
83 enactment.

84 (11) Statutes are construed to avoid absurd results;

85 (12) Statutes are to be read as a whole, in context, and, if possible, the court is to give
86 effect to every word of the statute; and

87 (13) When two or more bills amending the same statute are passed during the same
88 session of the Legislature, the form of the statute in the enrolled bill passed latest in time shall
89 control.

90 (14) When construing statutes and ordinances involving the state and its political
91 subdivisions addressing issues of sex discrimination, sex equality, and sex specific benefits or
92 services, the definitions and rules of construction set forth in §16-67-1 et seq. of this code apply.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 67. WEST VIRGINIA WOMEN'S BILL OF RIGHTS ACT.

§16-67-1. Short title; purposes; general application.

1 (a) This article shall be known, and may be cited as, the "West Virginia Women's Bill of
2 Rights Act".

3 (b) The purpose of the West Virginia Women's Bill of Rights Act is, subject to any
4 requirements of federal law, to bring clarity, certainty, and uniformity to the laws of the state
5 regarding sex discrimination, equality of the sexes, and benefits or services specifically provided
6 to males or to females.

7 (c) Subject to any requirements of federal law, the West Virginia Women's Bill of Rights
8 applies wherever the state, or a political subdivision of the state, classifies people on the basis of
9 sex or otherwise defines people as being female or male, women or men, girls or boys; the
10 definitions contained in §16-67-2 of this code apply.

§16-67-2. Definitions; statutory construction principles in defined circumstances.

1 Subject to any requirements of federal law, and notwithstanding any provision of state law
2 to the contrary, when construing any statute, ordinance, rule or regulation addressing sex
3 discrimination, sex equality, and sex specific benefits or services, the following apply:

4 (1) Definitions;

5 As used in this article:

6 (A) "Boy" means a human male under the age of 18.

7 (B) "Child" means a human who is under the age of 18.

8 (C) "Father" means the male parent of a child or children.

9 (D) “Female” means a person who has had, will have, or would have, but for a
10 developmental anomaly, genetic anomaly, or accident, a reproductive system capable of
11 producing ova.

12 (E) “Girl” means a human female who has not reached the age of 18.

13 (F) “Male” means a person who has had, will have or would have, but for a developmental
14 anomaly, genetic anomaly, or accident, a reproductive system capable of producing sperm.

15 (G) “Man” means a person of the male sex who is 18 years of age or older.

16 (H) “Mother” means a female parent of a child or children.

17 (I) “Sex” means a person’s sex at birth either male or female.

18 (J) “ Woman” means a person of the female sex who is 18 years of age or older.

19 (2) Statutory construction principles in defined circumstances:

20 Subject to any requirements of federal law, and notwithstanding any provision of this code
21 to the contrary, in any statute or ordinance dealing with sex discrimination, sexual equality; sex
22 specific benefits or services;

23 (A) “Equal” does not necessarily mean the same or identical when referring to equality of
24 males and females.

25 (B) “Gender” does not mean sex or gender identity.

26 (C) “Sex” does not include gender identity, nor does it include any other term or terms
27 intended to convey a person’s subjective sense of self, nor is gender identity a synonym or
28 substitute for sex. Sex is objective and fixed.

29 (D) Individuals with differences in sex development, also known as “DSD” or intersex
30 conditions, do not constitute a third sex. Persons diagnosed with congenital and medically
31 verifiable differences in sex development must be accommodated consistent with state and
32 federal laws.

§16-67-3. Sex discrimination; single-sex environments.

1 Subject to any requirements of federal law:

