

PROPOSED AMENDMENT

SB 88 # 10

DIGEST

Individual identification. Defines "female", "male", "gender", and "sex" for all Indiana statutes. Provides that students enrolled in public schools, including charter schools, and state educational institutions shall not be subject to disciplinary action solely because the student declines to: (1) identify the student's pronouns; or (2) address an individual by using a name other than the individual's legal name or derivative of the individual's legal name by using a pronoun or a title that is not consistent with the individual's sex. Provides that employees and staff members of public schools, including charter schools, or state educational institutions shall not be subject to an adverse employment action solely because the employee or staff member declines to: (1) identify their pronouns; or (2) address an individual by using a name other than the individual's legal name or derivative of the individual's legal name by using a pronoun or a title that is not consistent with the individual's sex. Provides for a civil cause of action for a violation of these requirements.

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 1-1-4-5, AS AMENDED BY P.L.238-2025,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2026]: Sec. 5. (a) The following definitions apply to the
6 construction of all Indiana statutes, unless the construction is plainly
7 repugnant to the intent of the general assembly or of the context of the
8 statute:
9 (1) "Adult", "of full age", and "person in his majority" mean a
10 person at least eighteen (18) years of age.
11 (2) "Attorney" includes a counselor or other person authorized to
12 appear and represent a party in an action or special proceeding.
13 (3) "Autism" means a neurological condition as described in the
14 most recent edition of the Diagnostic and Statistical Manual of
15 Mental Disorders of the American Psychiatric Association.
16 (4) "Bond" does not necessarily imply a seal.
17 (5) "Clerk" means the clerk of the court or a person authorized to
18 perform the clerk's duties.
19 **(6) "Female", when referencing the human species, means an**
20 **individual who naturally has, had, will have, or would have,**
21 **but for a congenital anomaly, an intentional disruption, or an**

unintentional disruption, the reproductive system that at some point produces, transports, and utilizes eggs for fertilization.

(7) "Gender" is a synonym for sex and has the meaning set forth in subdivision (25).

~~(6)~~ **(8)** "Health record", "hospital record", or "medical record" means written or printed information possessed by a provider (as defined in IC 16-18-2-295) concerning any diagnosis, treatment, or prognosis of the patient, unless otherwise defined. Except as otherwise provided, the terms include mental health records and drug and alcohol abuse records.

~~(7)~~ **(9)** "Highway" includes county bridges and state and county roads, unless otherwise expressly provided.

~~(8)~~ **(10)** "Infant" or "minor" means a person less than eighteen (18) years of age.

~~(9)~~ **(11)** "Inhabitant" may be construed to mean a resident in any place.

~~(10)~~ **(12)** "Judgment" means all final orders, decrees, and determinations in an action and all orders upon which executions may issue.

~~(11)~~ **(13)** "Land", "real estate", and "real property" include lands, tenements, and hereditaments.

(14) "Male", when referencing the human species, means an individual who naturally has, had, will have, or would have, but for a congenital anomaly, an intentional disruption, or an unintentional disruption, the reproductive system that at some point produces, transports, and utilizes sperm for fertilization.

~~(12)~~ **(15)** "Mentally incompetent" means of unsound mind.

~~(13)~~ **(16)** "Money demands on contract", when used in reference to an action, means an action arising out of contract when the relief demanded is a recovery of money.

~~(14)~~ **(17)** "Month" means a calendar month, unless otherwise expressed.

~~(15)~~ **(18)** "Noncode statute" means a statute that is not codified as part of the Indiana Code.

~~(16)~~ **(19)** "Oath" includes "affirmation", and "to swear" includes to "affirm".

~~(17)~~ **(20)** "Person" extends to bodies politic and corporate.

~~(18)~~ **(21)** "Personal property" includes goods, chattels, evidences of debt, and things in action.

~~(19)~~ **(22)** "Population" has the meaning set forth in IC 1-1-3.5-3.

~~(20)~~ **(23)** "Preceding" and "following", referring to sections in statutes, mean the sections next preceding or next following that in which the words occur, unless some other section is designated.

~~(21)~~ **(24)** "Property" includes personal and real property.

(25) "Sex" refers to the two (2) sexes, female and male, in the human species with the organization of the anatomy, hormones, and the gametes oriented toward fertilization without regard to the individual's psychological, behavioral, social, chosen, or subjective experience of gender.

~~(22)~~ **(26)** "Sheriff" means the sheriff of the county or another person authorized to perform sheriff's duties.

~~(23)~~ **(27)** "State", applied to any one (1) of the United States, includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories. "United States" includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories.

~~(24)~~ **(28)** "Under legal disabilities" includes persons less than eighteen (18) years of age, mentally incompetent, or out of the United States.

~~(25)~~ **(29)** "Verified", when applied to pleadings, means supported by oath or affirmation in writing.

~~(26)~~ **(30)** "Will" includes a testament and codicil.

~~(27)~~ **(31)** "Without relief" in any judgment, contract, execution, or other instrument of writing or record, means without the benefit of valuation laws.

~~(28)~~ **(32)** "Written" and "in writing" include printing, lithographing, or other mode of representing words and letters. If the written signature of a person is required, the terms mean the proper handwriting of the person or the person's mark.

~~(29)~~ **(33)** "Year" means a calendar year, unless otherwise expressed.

~~(30)~~ **(34)** The definitions in IC 35-31.5 apply to all statutes relating to penal offenses.

(b) This subsection applies to the definitions of "Hoosier veteran" and "veteran" when used in reference to state programs for veterans. The term "veteran" includes "Hoosier veteran", and applies to the construction of all Indiana statutes, unless the construction is expressly excluded by the terms of the statute, is plainly repugnant to the intent of the general assembly or of the context of the statute, or is

inconsistent with federal law. "Hoosier veteran" means an individual who meets the following criteria:

- (1) The individual is a resident of Indiana.
- (2) The individual served in an active or reserve component of the armed forces of the United States or the Indiana National Guard.
- (3) The individual completed any required military occupational specialty training and was not discharged or separated from the armed forces or the Indiana National Guard under conditions other than conditions set forth in IC 10-17-12-7.5(2).

The definitions set forth in this subsection may not be construed to affect a Hoosier veteran's eligibility for any state program that is based upon a particular aspect of the Hoosier veteran's service such as a disability or a wartime service requirement."

Page 10, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 10. IC 20-33-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 14.5. Individual Identification

Sec. 1. As used in this chapter, "school" means any:

- (1) school maintained by a school corporation; or
- (2) charter school.

Sec. 2. A school employee or staff member shall not subject a student to disciplinary action solely because the student declines to:

- (1) identify the student's pronouns; or
- (2) address an individual by using a name other than the individual's legal name or derivative of the individual's legal name by using a pronoun or a title that is not consistent with the individual's sex.

Sec. 3. A school corporation or school shall not subject a school employee or staff member to an adverse employment action solely because the school employee or staff member declines to:

- (1) identify their pronouns; or
- (2) address an individual by using a name other than the individual's legal name or derivative of the individual's legal name by using a pronoun or a title that is not consistent with the individual's sex.

Sec. 4. (a) A student who is harmed as a result of a violation of section 2 of this chapter, or a school employee or staff member who is harmed as a result of a violation of section 3 of this chapter may bring a civil action against the school corporation or school.

(b) An action described in this section must be commenced within two (2) years of the violation.

Sec. 5. The court may award to an individual who prevails in an action under section 4 of this chapter any of the following:

(1) Injunctive relief.

(2) Declaratory judgment.

(3) Costs and reasonable attorney's fees.

Sec. 6. The provisions of this chapter are severable as provided in IC 1-1-1-8(b).

SECTION 11. IC 21-39-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 11. Individual Identification

Sec. 1. A state educational institution, including an employee or staff member of a state educational institution, shall not subject a student of a state educational institution to disciplinary action solely because the student declines to:

(1) identify the student's pronouns; or

(2) address an individual by using a name other than the individual's legal name or derivative of the individual's legal name by using a pronoun or a title that is not consistent with the individual's sex.

Sec. 2. A state educational institution shall not subject a school employee or staff member to an adverse employment action solely because the school employee or staff member declines to:

(1) identify their pronouns; or

(2) address an individual by using a name other than the individual's legal name or derivative of the individual's legal name by using a pronoun or a title that is not consistent with the individual's sex.

Sec. 3. (a) A student who is harmed as a result of a violation of section 1 of this chapter, or a school employee or staff member who is harmed as a result of a violation of section 2 of this chapter may bring a civil action against the state educational institution.

(b) An action described in this section must be commenced within two (2) years of the violation.

Sec. 4. The court may award to an individual who prevails in an action under section 3 of this chapter any of the following:

(1) Injunctive relief.

(2) Declaratory judgment.

- 1 **(3) Costs and reasonable attorney's fees.**
- 2 **Sec. 5. The provisions of this chapter are severable as provided**
- 3 **in IC 1-1-1-8(b).".**
- 4 Page 10, after line 37, begin a new paragraph and insert:
- 5 "SECTION 13. IC 24-15-2-14, AS ADDED BY P.L.94-2023,
- 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2026]: Sec. 14. "Health record" has the meaning set forth in
- 8 ~~IC 1-1-4-5(a)(6)~~. **IC 1-1-4-5(a)(8).".**
- 9 Renumber all SECTIONS consecutively.
- (Reference is to SB 88 as introduced.)