



Written by [C. Mitchell Shaw](#) on May 24, 2023

Montana, Tennessee Legally Define Male and Female

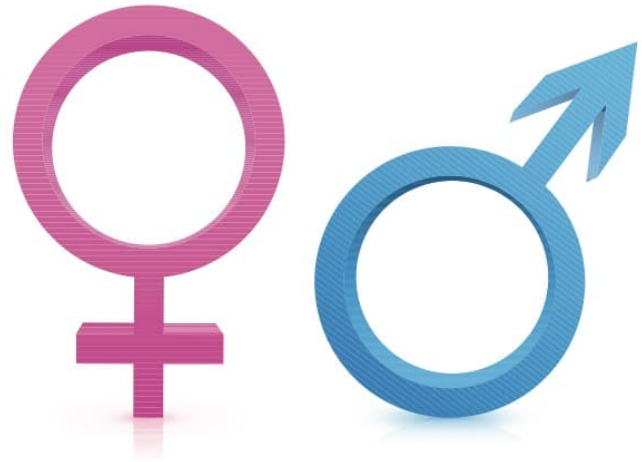
Addressing the LGBTQ agenda in schools and other public institutions, both Montana and Tennessee have enacted legislation to define sex as male and female. Montana's Republican Governor Greg Gianforte has signed into law two bills to define sex as biological and protect parental rights, and Tennessee's Republican Governor Bill Lee has signed two bills that define sex as male and female and also protect teachers from having to use students' "preferred pronouns."

As schools and other institutions have hidden behind alleged concerns that not affirming the delusions of those claiming LGBTQ status could lead to lawsuits or worse, attempts to push back have been met with resistance. It is a form of circular reasoning known as [begging the question](#): Since the LGBTQ crowd claims a "right" to be affirmed, including the forced use of "preferred pronouns" — that claim has been seen as evidence of the fact. But no evidence beyond the claim has been offered. The claim is all that is needed. School boards say they are following the requirements of [Title IX](#), because the LGBTQ crowd claims that Title IX requires that "trans" students, faculty, and staff be affirmed in their claims that they are "trans" even though Title IX does not actually say any such thing.

But by addressing the issue as a matter of law, both Montana and Tennessee are removing the thin cover behind which the LGBTQ crowd has been hiding. Now, according to state law in both states, there are only two classifications: male and female. Period.

Montana's Republican Governor Greg Gianforte — [who recently made news for banning TikTok in his state over concerns of Chinese spying](#) — has also signed into law [HB 676](#) and [SB 458](#). As LifeSiteNews [reports](#):

HB 676, signed and effective on Thursday, May 18, declares that "a government entity may not interfere with the fundamental rights of parents to direct the upbringing, education, health care, and mental health of their children unless the government entity demonstrates that the interference furthers a compelling government interest."



Samarskaya/iStock/Getty Images Plus



Written by [C. Mitchell Shaw](#) on May 24, 2023

Further, not only must a government entity demonstrate “that the interference furthers a compelling government interest,” it must also demonstrate that such interference “is narrowly tailored and is the least restrictive means available for the furthering of the compelling governmental interest.”

The parental rights this bill protects include “decisions regarding a child’s education, access to children’s academic and medical records, religious upbringing, and physical and mental health decisions,” according to LifeSiteNews.

The House bill also recognizes parents’ right to choose — without government interference — how they educate their children. This means that parents are free to choose public, private, or religious schools, or to homeschool their children. And as LifeSiteNews reports:

HB 676 also specifically prohibits anyone besides parents or legal guardians from obtaining any physical and mental health treatments, interventions, or appointments for children. Exceptions are in place for emergencies and treating certain illnesses such as those induced by drug or alcohol abuse. Although this provision doesn’t apply to abortions, another state law already requires parental consent before a minor obtains an abortion.

Governor Gianforte also signed SB 458 into law “to provide a common definition for the word sex when referring to a human.” In a striking balance between legal language, medical terminology, and common sense, SB 458 defines a female as “a member of the human species who, under normal development, has XX chromosomes and produces or would produce relatively large, relatively immobile gametes, or eggs, during her life cycle and has a reproductive and endocrine system oriented around the production of those gametes.”

Likewise, a male is defined as “a member of the human species who, under normal development, has XY chromosomes and produces or would produce small, mobile gametes, or sperm, during his life cycle and has a reproductive and endocrine system oriented around the production of those gametes.”

And for those exceptional cases the Left loves to trot out, the law states that those definitions include individuals “who would otherwise fall within [these definitions], but for a biological or genetic condition.” So, a male who does not produce sperm because of a condition is still a male and a female who does not produce eggs because of a condition is still female. The law makes provision for no other divisions, such as the nonsensical “non-binary,” “transgender,” “non-conforming,” or any of the rest of the endless litany of fabricated and imagined “genders.”

In fact, the law plainly states, “In human beings, there are exactly two sexes, male and female, with two corresponding types of gametes,” adding, “The sexes are determined by the biological and genetic indication of male or female, including sex chromosomes, naturally occurring sex chromosomes, gonads, and non-ambiguous internal and external genitalia present at birth.”

The law does not wait to be interpreted as to what it means for “trans” males playing female sports, stating, “Athletic teams or sports designated for females, women, or girls may not be open to students of the male sex.”

Almost 2,000 miles away, Tennessee’s Republican Governor Bill Lee signed [SB 1440](#) and [SB 466](#) into law. The first of these is similar to Montana’s law defining sex. Tennessee’s law states, “As used in this code, ‘sex’ means a person’s immutable biological sex as determined by anatomy and genetics existing at the time of birth and evidence of a person’s biological sex,” adding, “Evidence of a person’s



Written by [C. Mitchell Shaw](#) on May 24, 2023

biological sex’ includes, but is not limited to, a government-issued identification document that accurately reflects a person’s sex listed on the person’s original birth certificate.”

The second of Tennessee’s new laws specifically addresses “preferred pronouns,” stating that a teacher or school employee “should never be compelled to affirm a belief with which the teacher or employee disagrees,” nor should anyone who refuses to affirm a “preferred pronoun” be “civilly liable for using a pronoun that is consistent with the biological sex of the student to whom the teacher or employee is referring, even if the pronoun is not the student’s preferred pronoun.”

Further clarifying that point, the law states that those who insist on using accurate pronouns will not be “subject to an adverse employment action for not using a student’s preferred pronoun.”

These new laws in Montana and Tennessee go a long way to pushing back against LGBTQ insanity, and both states are to be commended for taking a stand to reverse the rainbow tide.





Subscribe to the New American

Get exclusive digital access to the most informative, non-partisan truthful news source for patriotic Americans!

Discover a refreshing blend of time-honored values, principles and insightful perspectives within the pages of "The New American" magazine. Delve into a world where tradition is the foundation, and exploration knows no bounds.

From politics and finance to foreign affairs, environment, culture, and technology, we bring you an unparalleled array of topics that matter most.



What's Included?

- 24 Issues Per Year
- Optional Print Edition
- Digital Edition Access
- Exclusive Subscriber Content
- Audio provided for all articles
- Unlimited access to past issues
- Coming Soon! Ad FREE
- 60-Day money back guarantee!
- Cancel anytime.

[Subscribe](#)