WEST VIRGINIA CODE: §5-32-2

§5-32-2. Findings.

(a) Males and females are legally equal, but they are not biologically the same.

(b) Males and females possess unique and immutable biological differences that manifest prior to birth and increase as they age and experience puberty.

(c) These unique and immutable biological differences mean that females and males are not similarly situated in all circumstances and are not interchangeable.

(d) Inconsistencies in court rulings and policy initiatives regarding sex discrimination and common sex-based words have endangered women's rights and resources and have put the existence of private, single-sex spaces in jeopardy, thereby necessitating clarification of certain terms used in this code.

(e) The hard-earned legal equality between men and women is enshrined in the Fourteenth Amendment to the U.S. Constitution, federal laws including Title IX of the Education Amendments of 1972, and Article III, Section 10 of the West Virginia Constitution.

(f) In describing equality for women under the Fourteenth Amendment, the U.S. Supreme Court has explained that laws and governmental policies may account for the "enduring" physical differences between the sexes as set forth in United States v. Virginia, 518 U.S. 515, 533 (1996).

(g) These physical differences include differences in reproductive anatomy, the basis for separate-sex facilities designed to protect the safety and personal privacy of women and girls. Personal privacy is a natural instinct rooted in biological realities, including the facts that males alone have the biological capability to impregnate women and that males are, on average, physically larger and stronger than women. The state should protect spaces where women have been traditionally afforded privacy and safety from acts of abuse, harassment, sexual assault, and violence committed by men, just as the state should protect women and girls' natural desire to avoid exposing their bodies to males with whom they have limited, if any, relationships.

WV Legislature