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Office of Research and Drafting

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H.B. 796
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Williams

Sarah A. Maki, Attorney

SUMMARY

- Requires persons confined in a Department of Rehabilitation and Correction facility, jail, or city infirmary be separated in accordance with the person's biological sex.

DETAILED ANALYSIS

Persons in confinement separated by "biological sex"

The bill requires that persons must be separated in accordance with their "biological sex" if they are confined in any of the following: (1) an institution, division, or place under the control of the Department of Rehabilitation and Correction (DRC), (2) a jail, or (3) a city infirmary.

Type of facility	Separation requirement
Institution, division, or place under the control of DRC	Persons sentenced to any institution, division, or place under the control of DRC must be housed in accordance with the person's biological sex while under the control of DRC.[1]
Jail	A political subdivision or affiliate of a political subdivision that operates a jail must ensure that jail inmates are separated by biological sex.[2]

[1] R.C. 5120.16(A).

[2] R.C. 5120.10(A)(3).

Type of facility	Separation requirement
City infirmary	The Director of Public Safety may provide for the care and support of males and females in separate buildings or in separate departments of the same building. "Males and females" refer to biological sex.[3]

Definition of "biological sex"

"Biological sex" means the biological indication of male and female, including sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender.[4]

HISTORY

Action	Date
Introduced	03-25-26

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[3] R.C. 751.08.

[4] R.C. 751.08, 5120.10(A)(3), and 5120.16(A), by reference to R.C. 3129.01, not in the bill.