

**Local Government Mandate Statement  
Kentucky Legislative Research Commission  
2025 Regular Session**

**Part I: Measure Information**

<b>Bill Request #:</b>	1327	<b>Bill #:</b>	SB 116
<b>Document ID #:</b>	2419	<b>Sponsor:</b>	Sen. Lindsey Tichenor
<b>Bill Title:</b>	AN ACT relating to sex-based classifications.		

Unit of Government:     City                                     County                                     Urban-County  
                                   Charter County                     Consolidated Local                     Unified Local

Office(s) Impacted:    Any local government entity that collects vital statistics.

Requirement:             Mandatory             Optional

Effect on Powers & Duties:     Modifies Existing             Adds New             Eliminates Existing

Other Fiscal Statement(s) that may exist:     Actuarial Analysis             Corrections Impact  
     Health Benefit Mandate             State Employee Health Plan

**Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government**

Section 2 of SB 116 defines terms related to biological sex. “Male” is defined as an individual who has, had, or will have through the course of normal development, the ability to produce sperm, or would have had such an ability if not for a developmental anomaly, genetic anomaly, or accident. “Female” is defined as an individual who has, had, or will have through the course of normal development, the ability to produce ova, or would have had such an ability but for a developmental anomaly, genetic anomaly, or accident.

Section 3 states that any state or local law, administrative regulation, ordinance, or policy that prohibits sex discrimination must be construed to prohibit unfair treatment of males or females in relation to similarly situated members of the opposite sex. It must not be construed to prohibit separation of the sexes in the interest of maintaining safety, privacy, and fairness.

It also states that the Commonwealth and its political subdivisions and instrumentalities may provide single-sex environments for males and females where the sexes are not

similarly situated, particularly with respect to biology. Examples include, but are not limited to, prisons and detention centers, athletics, living facilities, locker rooms, bathrooms, domestic violence shelters, and rape crisis centers. Single-sex environments would be allowed to be provided in these situations without violating antidiscrimination mandates.

Section 4 would apply to any government entity including schools that collect vital statistics related to sex for the purpose of complying with state or federal antidiscrimination laws or gathering accurate public health, crime or other data. These entities would be required to identify each natural person who is part of the collected dataset as either male or female as defined in Section 2.

**SB 116 may have a negative fiscal impact on local governments if ordinances or local laws have to be changed to comply with Section 3.** There are costs associated with the drafting, publication, indexing and recording of adopted ordinances, and at least every five years, review and eliminate redundant, obsolete, inconsistent, and invalid provisions.

According to Kentucky League of Cities, most cities, especially the smaller ones, retain their city attorney on contract and pay on an hourly basis. Time spent drafting an ordinance is influenced by its complexity and the amount of research that is necessary. In FY 2020, the average hourly rate was \$107. Rates for legal notices vary greatly depending on the length of the publication, the number of times it needs to be published and the newspaper in which the publication is placed. Therefore, these costs are unknown.

According to the Kentucky Association of Counties, “The cost of publishing the ordinance would be borne by the local government enacting the ordinance. Most county ordinances are required to be published once after passage (KRS 67.077). An exception to this is the county budget ordinance which requires two advertisements.” While they do not have data on the cost of publishing individual ordinances, a survey conducted in 2023 on total county publication costs found that counties spent on average \$13,433 in FY2022 on publications.

**SB 116 is expected to have a negative but indeterminate impact on local government entities that are required to collect vital statistics related to sex.** There may be costs associated with identifying each natural person who is part of the collected data as either male or female as defined in Section 2. Depending on how identification is carried out, associated expenses may vary.

**Data Source(s):** LRC Staff; Kentucky Association of Counties; Kentucky League of Cities

**Preparer:** JB **Reviewer:** MS (MDA) **Date:** 2/19/25