

**HB 1296 - H AMD 366**

By Representative Walsh

OUT OF ORDER 03/12/2025

1 On page 5, after line 11, insert the following:

2 "(5) The discrimination protections based on gender identity  
3 and gender expression required by this section do not extend to  
4 individuals who utilize non-human gender identities and expressions.  
5 This subsection (5) does not limit protections against  
6 discrimination on the basis of other characteristics, including  
7 race, disability, or other legally protected classes for individuals  
8 who utilize non-human gender identities and expressions.

9 (6) For the purposes of this section:

10 (a) "Gender identity" and "gender expression" means those  
11 aspects of identity and self-presentation that correspond to human  
12 gender categories as generally understood in social, cultural, and  
13 legal contexts;

14 (b) "Non-human gender identity and expression" means gender  
15 identities that identify with or express characteristics associated  
16 with non-human entities, such as animals, mythological creatures, or  
17 abstract concepts, and do not fall within the generally accepted  
18 categories of human gender identity and expression; and

19 (c) "Human gender identity and expression" means a gender  
20 identity that aligns with human biological sex or socioculturally  
21 recognized human gender categories, including male, female, and non-  
22 binary.

23

24 **Sec. 103.** RCW 28A.642.010 and 2010 c 240 s 2 are each amended  
25 to read as follows:

26 (1) Discrimination in Washington public schools on the basis of  
27 race, creed, religion, color, national origin, honorably discharged

1 veteran or military status, sexual orientation including gender  
2 expression or identity, the presence of any sensory, mental, or  
3 physical disability, or the use of a trained dog guide or service  
4 animal by a person with a disability is prohibited. The definitions  
5 given these terms in chapter 49.60 RCW apply throughout this chapter  
6 unless the context clearly requires otherwise.

7 (2) For the purposes of this section, "gender expression or  
8 identity" does not include or apply to non-human gender identities and  
9 expressions as defined in RCW 28A.642.080."

10

11 Renumber the remaining sections consecutively and correct any  
12 internal references accordingly.

EFFECT: (1) Provides that discrimination protections in policies, procedures, training materials, and rules that are adopted by school districts, charter schools, and the Washington State School Directors' Association do not extend to individuals who utilize non-human gender identities and expressions.

(2) Specifies that the non-extension of discrimination protections do not limit protections against discrimination on the basis of other characteristics, including race, disability, or other legally protected classes for individuals who utilize non-human gender identities and expressions.

(3) Modifies the list of protected classes for discrimination prohibitions applicable to public schools to specify that gender expression or identity does not include or apply to non-human gender identities and expressions.

(4) Adds definitions of "gender identity" and "gender expression," "non-human gender identity and expression," and "human gender identity and expression."

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