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Please allow trans people to express their gender and intersex people to express neither. It is unconstitutional to discriminate against people based on failure to conform to outdated notions of sex and gender; it would also be biologically incorrect.

Scientific consensus defines sex in humans as a biological construct that relies on a combination of chromosomes, hormonal balances, and the resulting expression of gonads, external genitalia and secondary sex characteristics. There is variation in all these biological attributes that make up sex. Accordingly, sex (and gendered expression) is not a binary trait. While some aspects of sex are bimodal, variation along the continuum of male to female is well documented in humans through hundreds of scientific articles. Such variation is observed at both the genetic level and at the individual level (including hormone levels, secondary sexual characteristics, as well as genital morphology). Beyond the incorrect claim that science backs up a simple binary definition of sex, the lived experience of people clearly demonstrates that the genetic composition at conception does not define one's identity. Rather, sex and gender result from the interplay of genetics and environment. Such diversity is a hallmark of biological species, including humans.