

**USE OF SEX-DESIGNATED FACILITIES IN PUBLIC
AND HIGHER EDUCATION**

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Phil Lyman

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses individuals who may access sex-designated restrooms and changing facilities in the state systems of public and higher education.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires local education agencies (LEAs) and higher education institutions to:
 - provide restrooms and changing facilities that are sex-designated or unisex;
 - establish use and discipline policies regarding restroom and changing facilities for students and employees; and
 - report to the relevant State Board of Education or Utah Board of Higher Education;
- ▶ prohibits an individual, with certain exceptions, from using a restroom or changing facility of the opposite sex on the premises of an LEA or higher education institution;
- ▶ establishes that an individual who improperly enters and refuses to depart a sex-designated restroom or changing facility on the premises of an LEA or higher education institution commits criminal trespass;
- ▶ authorizes the attorney general to bring a civil action for enforcement;



- 28 ▶ expressly exempts certain individuals;
- 29 ▶ establishes severability; and
- 30 ▶ provides rulemaking authority.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 This bill provides a special effective date.

35 **Utah Code Sections Affected:**

36 ENACTS:

37 **53B-2-114**, Utah Code Annotated 1953

38 **53G-7-224**, Utah Code Annotated 1953



40 *Be it enacted by the Legislature of the state of Utah:*

41 Section 1. Section **53B-2-114** is enacted to read:

42 **53B-2-114. Sex-designated restrooms -- Sex-designated changing facilities.**

43 (1) As used in this section:

44 (a) (i) "Changing facility" means a room in which two or more individuals may be in a
45 state of undress in the presence of others.

46 (ii) "Changing facility" includes a dressing room, fitting room, locker room, changing
47 room, or shower room.

48 (b) "Female" means a person belonging, at birth, to the biological sex which has the
49 specific reproductive role of producing eggs.

50 (c) "Male" means a person belonging, at birth, to the biological sex which has the
51 specific reproductive role of producing sperm.

52 (d) "Restroom" means a room that:

53 (i) includes one or more water closets; and

54 (ii) is not a unisex restroom.

55 (e) "Sex" means the classification of an individual as either female or male based on
56 the organization of the body of the individual for a specific reproductive role, as indicated by
57 the individual's sex chromosomes, naturally occurring sex hormones, and internal and external
58 genitalia present at birth.

59 (f) (i) "Unisex changing facility" means a room intended for a single occupant or a
60 family in which one or more individuals may be in a state of undress.

61 (ii) "Unisex changing facility" includes a dressing room, fitting room, locker room,
62 changing room, or shower room that:

63 (A) is enclosed by floor-to-ceiling walls; and

64 (B) is only accessible by a full door with a secure lock that prevents another individual
65 from entering while the changing facility is in use.

66 (g) "Unisex restroom" means a room that:

67 (i) includes one or more water closets;

68 (ii) is intended for a single occupant or a family;

69 (iii) is enclosed by floor-to-ceiling walls; and

70 (iv) is only accessible by a full door with a secure lock that prevents another individual
71 from entering while the room is in use.

72 (h) "Water closet" means a toilet or urinal.

73 (2) A higher education institution that maintains a water closet shall, at a minimum,
74 have:

75 (a) (i) a restroom designated for exclusive use by females; and

76 (ii) a restroom designated for exclusive use by males; or

77 (b) a unisex restroom.

78 (3) A higher education institution that maintains a changing facility shall, at a
79 minimum, have:

80 (a) (i) a changing facility designated for exclusive use by females; and

81 (ii) a changing facility designated for exclusive use by males; or

82 (b) a unisex changing facility.

83 (4) For purposes of this section, an individual may not enter a restroom or changing
84 facility designated for the opposite sex except under the following circumstances:

85 (a) to accompany a person of the opposite sex to assist or chaperone:

86 (i) a child under the age of 12;

87 (ii) an elderly individual above the age of 60, or

88 (iii) an individual with a disability as defined in Section [26B-6-401](#);

89 (b) for law enforcement or governmental regulatory purposes;

90 (c) to render emergency medical assistance or to intervene in any other emergency
91 where the health or safety of another individual is at risk;

92 (d) for custodial, maintenance, or inspection purposes while the restroom or changing
93 facility is not in use; or

94 (e) if the appropriate designated restroom or changing facility is out of order or under
95 repair and the restroom or changing facility designated for the opposite sex contains no
96 individual of the opposite sex.

97 (5) (a) Each higher education institution shall, within the institution's code of student
98 conduct, establish disciplinary procedures for any student who:

99 (i) willfully enters, for a purpose other than the exceptions described in Subsection (4),
100 a restroom or changing facility designated for the opposite sex on the premises of the
101 institution; and

102 (ii) refuses to depart when asked to depart by any:

103 (A) faculty member, administrative personnel, security personnel, or any other
104 employee of the institution; or

105 (B) law enforcement personnel.

106 (b) An employee of a higher education institution described in Subsection (5)(a)
107 commits a violation of professional conduct and is subject to discipline under rules and
108 procedures of the board and the relevant higher education institution if the employee:

109 (i) willfully enters, for a purpose other than the exceptions described in Subsection (4),
110 a restroom or changing facility designated for the opposite sex on the premises of the
111 institution; and

112 (ii) refuses to depart when asked to depart by another employee of the institution or by
113 law enforcement personnel as described in Subsection (5)(a)(ii).

114 (c) Each higher education institution shall establish a disciplinary policy for employees
115 described in Subsection (5)(b).

116 (6) Any individual who willfully enters and refuses to depart a restroom or changing
117 facility as described in Subsection (5) commits the offense of criminal trespass under Section
118 [76-6-206](#).

119 (7) Each higher education institution shall submit documentation to the board
120 regarding compliance with this section before:

121 (a) July 1, 2025, for an institution in existence on July 1, 2024; or

122 (b) the first anniversary of the day of the establishment of the institution for an
123 institution that is not in existence on July 1, 2024.

124 (8) (a) Beginning July 1, 2025, the attorney general may bring a civil action to enforce
125 this section against any higher education institution, seeking:

126 (i) injunctive relief; and

127 (ii) for any higher education institution found to have willfully violated this section, a
128 fine of up to \$10,000 per violation.

129 (b) Fines collected under Subsection (8)(a) shall be deposited into the General Fund.

130 (9) This section does not apply to an individual who is or has been under treatment by
131 a physician who, in the physician's good faith clinical judgment, performs procedures upon or
132 provides therapies to a minor born with a medically verifiable genetic disorder of sexual
133 development, including any of the following:

134 (a) external biological sex characteristics that are unresolvably ambiguous; or

135 (b) a disorder of sexual development in which the physician has determined through
136 genetic or biochemical testing that the patient does not have a normal sex chromosome
137 structure, sex steroid hormone production, or sex steroid hormone action for a male or female,
138 as applicable.

139 (10) By January 1, 2025, the board shall make rules, in accordance with Title 63G,
140 Chapter 3, Utah Administrative Rulemaking Act, to establish procedures to carry out and
141 ensure compliance with and enforcement of this section, including the type, format, and
142 method of delivery of the documentation described in Subsection (7).

143 (11) (a) The provisions of this section are severable.

144 (b) If any provision of this section or the application of this section to any individual or
145 circumstance is held invalid, the invalidity does not affect other provisions or applications of
146 this section which can be given effect without the invalid provision or application.

147 Section 2. Section **53G-7-224** is enacted to read:

148 **53G-7-224. Sex-designated restrooms -- Sex-designated changing facilities.**

149 (1) As used in this section:

150 (a) (i) "Changing facility" means a room in which two or more individuals may be in a
151 state of undress in the presence of others.

152 (ii) "Changing facility" includes a dressing room, fitting room, locker room, changing
153 room, or shower room.

154 (b) "Female" means a person belonging, at birth, to the biological sex which has the
155 specific reproductive role of producing eggs.

156 (c) "Male" means a person belonging, at birth, to the biological sex which has the
157 specific reproductive role of producing sperm.

158 (d) "Restroom" means a room that:

159 (i) includes one or more water closets; and

160 (ii) is not a unisex restroom.

161 (e) "Sex" means the classification of an individual as either female or male based on
162 the organization of the body of the individual for a specific reproductive role, as indicated by
163 the individual's sex chromosomes, naturally occurring sex hormones, and internal and external
164 genitalia present at birth.

165 (f) (i) "Unisex changing facility" means a room intended for a single occupant or a
166 family in which one or more individuals may be in a state of undress.

167 (ii) "Unisex changing facility" includes a dressing room, fitting room, locker room,
168 changing room, or shower room that:

169 (A) is enclosed by floor-to-ceiling walls; and

170 (B) is only accessible by a full door with a secure lock that prevents another individual
171 from entering while the changing facility is in use.

172 (g) "Unisex restroom" means a room that:

173 (i) includes one or more water closets;

174 (ii) is intended for a single occupant or a family;

175 (iii) is enclosed by floor-to-ceiling walls; and

176 (iv) is only accessible by a full door with a secure lock that prevents another individual
177 from entering while the room is in use.

178 (h) "Water closet" means a toilet or urinal.

179 (2) An LEA that maintains a water closet shall, at a minimum, have:

180 (a) (i) a restroom designated for exclusive use by females; and

181 (ii) a restroom designated for exclusive use by males; or

182 (b) a unisex restroom.

- 183 (3) An LEA that maintains a changing facility shall, at a minimum, have:
184 (a) (i) a changing facility designated for exclusive use by females; and
185 (ii) a changing facility designated for exclusive use by males; or
186 (b) a unisex changing facility.
187 (4) For purposes of this section, an individual may not enter a restroom or changing
188 facility designated for the opposite sex except under the following circumstances:
189 (a) to accompany a person of the opposite sex to assist or chaperone:
190 (i) a child under the age of 12;
191 (ii) an elderly individual above the age of 60; or
192 (iii) an individual with a disability as defined in Section [26B-6-401](#);
193 (b) for law enforcement or governmental regulatory purposes;
194 (c) to render emergency medical assistance or to intervene in any other emergency
195 where the health or safety of another individual is at risk;
196 (d) for custodial, maintenance, or inspection purposes while the restroom or changing
197 facility is not in use; or
198 (e) if the appropriate designated restroom or changing facility is out of order or under
199 repair and the restroom or changing facility designated for the opposite sex contains no
200 individual of the opposite sex.
201 (5) (a) Each LEA shall, within the LEA's code of student conduct, establish
202 disciplinary procedures for any student who:
203 (i) willfully enters, for a purpose other than the exceptions described in Subsection (4),
204 a restroom or changing facility designated for the opposite sex on the premises of the LEA; and
205 (ii) refuses to depart when asked to depart by any:
206 (A) teacher, administrative personnel, school resource officer, or any other employee of
207 the LEA; or
208 (B) law enforcement personnel.
209 (b) An employee of an LEA described in Subsection (5)(a) commits a violation of
210 professional conduct and is subject to discipline under Title 53E, Chapter 6, Part 6, License
211 Denial and Discipline, if the employee:
212 (i) willfully enters, for a purpose other than the exceptions described in Subsection (4),
213 a restroom or changing facility designated for the opposite sex on the premises of the LEA; and

214 (ii) refuses to depart when asked to depart by another employee of the LEA or law
215 enforcement personnel as described in Subsection (5)(a).

216 (c) Each LEA shall establish a disciplinary policy for employees described in
217 Subsection (5)(b).

218 (6) Any individual who willfully enters and refuses to depart a restroom or changing
219 facility as described in Subsection (5) commits the offense of criminal trespass under Section
220 76-6-206.

221 (7) Each LEA shall submit documentation to the state board regarding compliance with
222 this section before:

223 (a) July 1, 2025, for an LEA in existence on July 1, 2024; or

224 (b) the first anniversary of the day of the establishment of the LEA for an LEA that is
225 not in existence on July 1, 2024.

226 (8) (a) Beginning July 1, 2025, the attorney general may bring a civil action to enforce
227 this section against any LEA, seeking:

228 (i) injunctive relief; and

229 (ii) for any LEA found to have willfully violated this section, a fine of up to \$10,000
230 per violation.

231 (b) Fines collected under Subsection (8)(a) shall be deposited into the General Fund.

232 (9) This section does not apply to an individual who is or has been under treatment by
233 a physician who, in the physician's good faith clinical judgment, performs procedures upon or
234 provides therapies to a minor born with a medically verifiable genetic disorder of sexual
235 development, including any of the following:

236 (a) external biological sex characteristics that are unresolvably ambiguous; or

237 (b) a disorder of sexual development in which the physician has determined through
238 genetic or biochemical testing that the patient does not have a normal sex chromosome
239 structure, sex steroid hormone production, or sex steroid hormone action for a male or female,
240 as applicable.

241 (10) By January 1, 2025, the state board shall make rules, in accordance with Title
242 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish procedures to carry out and
243 ensure compliance with and enforcement of this section, including the type, format, and
244 method of delivery of the documentation described in Subsection (7).

245 (11) (a) The provisions of this section are severable.

246 (b) If any provision of this section or the application of this section to any individual or
247 circumstance is held invalid, the invalidity does not affect other provisions or applications of
248 this section which can be given effect without the invalid provision or application.

249 Section 3. **Effective date.**

250 This bill takes effect on July 1, 2024.