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Privacy Protections in Sex-designated Areas

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Gricius

Senate Sponsor: Brady Brammer

LONG TITLE

General Description:

This bill modifies provisions regarding sex-designated privacy spaces in education and government facilities.

Highlighted Provisions:

This bill:

- defines terms;
- requires the Utah Board of Higher Education to provide guidance regarding student housing that degree-granting institutions own or control;
- provides a definitional change for nonprofit exceptions to and broadens the scope of a nonprofit educational institution exception to the Utah Fair Housing Act;
- narrows an exception for a prohibition on sex-based distinctions to apply only to a determination of the School Activity Eligibility Commission and a student's participation in a certain gender-designated interscholastic activity;
- removes an ambiguous medical treatment documentation provision from certain lists of evidence supporting an individual's access to certain sex-designated privacy spaces;
- amends provisions regarding government entity facility compliance to specify which government entity bears certain duties;
- requires degree-granting institutions to comply with sex designations in assigning students to dwelling units within the institution's sex-designated student housing; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 **53B-1-118 (Effective 06/01/25)**, as enacted by Laws of Utah 2024, Chapter 3
- 31 **53G-6-1005 (Effective upon governor's approval)**, as enacted by Laws of Utah 2022,
- 32 Chapter 478
- 33 **57-21-3 (Effective 06/01/25)**, as last amended by Laws of Utah 2024, Chapter 200
- 34 **63G-31-101 (Effective 06/01/25)**, as enacted by Laws of Utah 2024, Chapter 2
- 35 **63G-31-201 (Effective upon governor's approval)**, as enacted by Laws of Utah 2024,
- 36 Chapter 2
- 37 **63G-31-202 (Effective 06/01/25)**, as enacted by Laws of Utah 2024, Chapter 2
- 38 **63G-31-301 (Effective upon governor's approval)**, as enacted by Laws of Utah 2024,
- 39 Chapter 2
- 40 **63G-31-302 (Effective upon governor's approval)**, as enacted by Laws of Utah 2024,
- 41 Chapter 2
- 42 **63G-31-304 (Effective 06/01/25)**, as enacted by Laws of Utah 2024, Chapter 2

43 ENACTS:

- 44 **53B-1-411 (Effective 06/01/25)**, Utah Code Annotated 1953
- 45 **63G-31-305 (Effective 06/01/25)**, Utah Code Annotated 1953



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

48 Section 1. Section **53B-1-118** is amended to read:

49 **53B-1-118 (Effective 06/01/25). Prohibited discriminatory practices --**
 50 **Restrictions -- Campus climate survey -- Exceptions.**

51 (1) As used in this section:

- 52 (a) "Important government interest" means a governmental purpose relating to[-] :
 - 53 (i) athletic competition or athletic safety in public education; or[-]
 - 54 (ii) privacy, including compliance with Title 63G, Chapter 31, Distinctions on the
 - 55 Basis of Sex.
- 56 (b) "Personal identity characteristics" means an individual's race, color, ethnicity, sex,
- 57 sexual orientation, national origin, religion, or gender identity.
- 58 (c)(i) "Prohibited discriminatory practice" means engaging in or maintaining a policy,
- 59 procedure, practice, program, office, initiative, or required training that, based on
- 60 an individual's personal identity characteristics:
 - 61 (A) promotes the differential treatment of an individual without an important

- 62 government interest;
- 63 (B) influences the employment decisions of an individual other than through the
64 use of neutral hiring processes with regard to personal identity characteristics
65 and in accordance with federal law;
- 66 (C) influences an individual's admission to, advancement in, or graduation from
67 an institution, the public education system, or an academic program; or
- 68 (D) influences an individual's participation in an institution-sponsored or public
69 education system-sponsored program.
- 70 (ii) "Prohibited discriminatory practice" also means engaging in or maintaining a
71 policy, procedure, practice, program, office, initiative, or required training that:
- 72 (A) asserts that one personal identity characteristic is inherently superior or
73 inferior to another personal identity characteristic;
- 74 (B) asserts that an individual, by virtue of the individual's personal identity
75 characteristics, is inherently privileged, oppressed, racist, sexist, oppressive, or
76 a victim, whether consciously or unconsciously;
- 77 (C) asserts that an individual should be discriminated against in violation of Title
78 VI, Title VII, and Title IX, receive adverse treatment, be advanced, or receive
79 beneficial treatment because of the individual's personal identity characteristics;
- 80 (D) asserts that an individual's moral character is determined by the individual's
81 personal identity characteristics;
- 82 (E) asserts that an individual, by virtue of the individual's personal identity
83 characteristics, bears responsibility for actions committed in the past by other
84 individuals with the same personal identity characteristics;
- 85 (F) asserts that an individual should feel discomfort, guilt, anguish, or other
86 psychological distress solely because of the individual's personal identity
87 characteristics;
- 88 (G) asserts that meritocracy is inherently racist or sexist;
- 89 (H) asserts that socio-political structures are inherently a series of power
90 relationships and struggles among racial groups;
- 91 (I) promotes resentment between, or resentment of, individuals by virtue of their
92 personal identity characteristics;
- 93 (J) ascribes values, morals, or ethical codes, privileges, or beliefs to an individual
94 because of the individual's race, color, ethnicity, sex, sexual orientation,
95 national origin, or gender identity;

- 96 (K) considers an individual's personal identity characteristics in determining
97 receipt of state financial aid or other state financial assistance, including a
98 scholarship award or tuition waiver; or
- 99 (L) is referred to or named diversity, equity, and inclusion.
- 100 (iii) "Prohibited discriminatory practice" does not include policies or procedures
101 required by state or federal law, including laws relating to prohibited
102 discrimination or harassment.
- 103 (d) "Student success and support" means an office, division, employment position, or
104 other unit of an institution established or maintained to provide support, guidance,
105 and resources that equip all students, including all students at higher risk of not
106 completing a certificate or degree, with experiences and opportunities for success in
107 each student's academic and career goals, and without excluding individuals on the
108 basis of an individual's personal identity characteristics.
- 109 (e) "Title VI" means Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d et
110 seq.
- 111 (f) "Title VII" means Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e et
112 seq.
- 113 (g) "Title IX" means Title IX of the Education Amendments of 1972, 20 U.S.C. Sec.
114 1681 et seq.
- 115 (2) An institution may not:
- 116 (a) engage in prohibited discriminatory practices;
- 117 (b) take, express, or assert a position or opinion on subjects described in Subsection
118 67-27-107(1)(b)(ii);
- 119 (c) establish or maintain an office, division, employment position, or other unit of an
120 institution established to implement, develop, plan, or promote campus policies,
121 procedures, practices, programs, or initiatives, regarding prohibited discriminatory
122 practices; or
- 123 (d) employ or assign an employee or a third-party whose duties for an institution include
124 coordinating, creating, developing, designing, implementing, organizing, planning, or
125 promoting policies, programming, training, practices, activities, and procedures
126 relating to prohibited discriminatory practices.
- 127 (3) An institution shall:
- 128 (a) ensure that all students have access to programs providing student success and
129 support;

- 130 (b) publish the titles and syllabi of all mandatory courses, seminars, classes, workshops,
131 and training sessions on the institution's website in an online database readily
132 searchable by the public;
- 133 (c) annually train employees on the separation of personal political advocacy from an
134 institution's business and employment activities;
- 135 (d) develop strategies, including inviting speakers, to promote viewpoint diversity; and
136 (e) establish policies and procedures to include opportunities for education and research
137 on free speech and civic education.
- 138 (4) Beginning on or before July 1, 2025, the board shall report to the Higher Education
139 Appropriations Subcommittee on the status and allocation of appropriated funds for
140 student success and support.
- 141 (5) The Legislature shall, in a line item appropriation, appropriate ongoing funding to
142 support an institution's student success and support program in accordance with this
143 section.
- 144 (6)(a) On or before January 1, 2025, the board shall contract with a third-party
145 contractor, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, to
146 conduct a campus expression climate survey of each institution:
- 147 (i) to assess student, faculty, and staff perceptions of and experiences with an
148 institution's campus environment that measures the student's, faculty member's,
149 and staff member's perception of and experience with an institution's campus
150 environment; and
- 151 (ii) that measures the student's, faculty member's, and staff member's perception of
152 and experience with campus policy and practice regarding freedom of speech and
153 academic freedom at the institution.
- 154 (b) The board shall collect the results of each campus expression climate survey under
155 Subsection (6) and submit the results to the Office of Legislative Research and
156 General Counsel beginning on or before July 1.
- 157 (7)(a) The Office of Legislative Research and General Counsel shall provide a summary
158 report on the data collected from the campus expression climate surveys to the
159 Education Interim Committee on or before:
- 160 (i) November 1, 2027, for reports received in years 2025, 2026, and 2027;
161 (ii) November 1, 2030, for reports received in years 2028, 2029, and 2030; and
162 (iii) November 1, 2033, for reports received in years 2031, 2032, and 2033.
- 163 (b) On or before November 1, 2035, the Office of Legislative Research and General

- 164 Counsel shall provide a comprehensive report of the campus expression climate
165 surveys to the Education Interim Committee.
- 166 (8) Nothing in this section requires an individual to respond to a campus expression climate
167 survey.
- 168 (9) Nothing in this section limits or prohibits an institution's authority to establish policies
169 that:
- 170 (a) are necessary to comply with state or federal law, including laws relating to
171 prohibited discrimination or harassment;
 - 172 (b) require disclosure of an employee's academic research, classroom teaching, or
173 coursework; or
 - 174 (c) require for employment, tenure, or promotion to disclose or discuss the applicant's:
 - 175 (i) research;
 - 176 (ii) teaching agenda;
 - 177 (iii) artistic creations; or
 - 178 (iv) pedagogical approaches or experiences with students of all learning abilities.
- 179 (10) This section does not apply to:
- 180 (a) requirements necessary for athletic and accreditation compliance;
 - 181 (b) academic research;
 - 182 (c) academic course teaching in the classroom;
 - 183 (d) a grant that would otherwise require:
 - 184 (i) a department, office, division, or other unit of an institution to engage in a
185 prohibited discriminatory practice if the grant has been reviewed and approved by
186 the institution's board of trustees; or
 - 187 (ii) an institution to engage in a prohibited discriminatory practice if the grant has
188 been reviewed and approved by the board;
 - 189 (e) requirements necessary for an institution to establish or maintain eligibility for any
190 federal program; or
 - 191 (f) private scholarships administered by an institution.
- 192 (11) Notwithstanding any other provision of this part, the University of Utah may take any
193 action required for the University of Utah to comply with the terms of an agreement
194 entered into between the University of Utah and the Ute Indian Tribe before July 1, 2024.
- 195 (12)(a) Beginning on July 1, 2025, the board shall conduct a biennial review of an
196 institution of higher education's compliance with this section as follows:
- 197 (i) for 2025, on each institution of higher education; and

- 198 (ii) for 2026, and every year after, on one-half of the degree granting institutions of
 199 higher education and one-half of the technical colleges.
- 200 (b) If the board identifies a violation of this section, the board shall:
- 201 (i) on or before 30 days after the day on which the board identifies the violation,
 202 work with the institution to create a remediation plan; and
- 203 (ii) provide the institution 180 days after the day of the creation of the remediation
 204 plan to cure the violation.
- 205 (13) On or before November 1 of each year, the board shall prepare and submit a report to
 206 the Higher Education Appropriations Subcommittee on:
- 207 (a) the review process and each institution's compliance determination; or
 208 (b) if a violation is identified, the remediation plan and progress under Subsection (12)(b).
- 209 (14) On or before December 1 of each year, the Higher Education Appropriations
 210 Subcommittee shall:
- 211 (a) report the findings under Subsections (4) and (13) to the Legislature; and
 212 (b) make appropriation recommendations about an institution's compliance with this
 213 section.
- 214 (15) The Legislature may withhold future state appropriations to an institution that fails to
 215 cure a violation of this section within the time provided under Subsection (12)(b).
- 216 (16) The board shall make rules in accordance with Title 63G, Chapter 3, Utah
 217 Administrative Rulemaking Act, to establish a procedure for accepting and processing
 218 an individual's complaint against an institution for an alleged violation of this section.

219 Section 2. Section **53B-1-411** is enacted to read:

220 **53B-1-411 (Effective 06/01/25). Board guidance to degree-granting institutions**
 221 **on student housing.**

222 The board shall make policies or otherwise provide to each degree-granting institution
 223 guidance regarding the institution's student housing, including:

- 224 (1) compliance with the requirements for sex-designated dwelling units within the
 225 institution's student housing, as those terms are defined in Section 63G-31-305, and the
 226 provision of dwelling units that are not sex-designated; and
- 227 (2) practices to ensure individual privacy within the institution's student housing.

228 Section 3. Section **53G-6-1005** is amended to read:

229 **53G-6-1005 (Effective upon governor's approval). Reasonable accommodations.**

230 Nothing in this part prohibits an athletic association, LEA, or school from adopting
 231 reasonable safety and privacy rules and policies that designate facilities, including restrooms,

232 shower facilities, and dressing facilities~~[, provided that]~~ if the rules and policies described in
 233 this section afford reasonable accommodations based on gender identity to all students in
 234 compliance with Title 63G, Chapter 31, Distinctions on the Basis of Sex.

235 Section 4. Section **57-21-3** is amended to read:

236 **57-21-3 (Effective 06/01/25). Exemptions -- Sale by private individuals --**
 237 **Nonprofit organizations -- Noncommercial transactions.**

238 (1) This chapter does not apply to a single-family dwelling unit sold or rented by its owner
 239 if:

240 (a) the owner does not own an interest in four or more single-family dwelling units held
 241 for sale or lease at the same time;

242 (b) during a 24-month period, the owner does not sell two or more single-family
 243 dwelling units in which the owner was not residing or was not the most recent
 244 resident at the time of sale;

245 (c) the owner does not retain or use the facilities or services of a real estate broker or
 246 salesperson; and

247 (d) the owner does not use a discriminatory housing practice under Subsection 57-21-5
 248 (2) in the sale or rental of the dwelling.

249 (2) This chapter does not apply to a dwelling or a temporary or permanent residence facility
 250 if:

251 (a) the discrimination is by sex, as defined in Section 68-3-12.5, sexual orientation,
 252 gender identity, or familial status for reasons of personal modesty or privacy, or in
 253 the furtherance of a religious institution's free exercise of religious rights under the
 254 First Amendment of the United States Constitution or the Utah Constitution; and

255 (b) the dwelling or the temporary or permanent residence facility is:

256 (i) operated by a nonprofit or charitable organization;

257 (ii) owned by, operated by, or under contract with a religious organization, a religious
 258 association, a religious educational institution, or a religious society;

259 (iii) owned by, operated by, or under contract with an affiliate of an entity described
 260 in Subsection (2)(b)(ii); or

261 (iv) owned by or operated by a person under contract with an entity described in
 262 Subsection (2)(b)(ii).

263 (3) This chapter, except for Subsection 57-21-5(2), does not apply to the rental of a room in
 264 a single-family dwelling by an owner-occupant of the single-family dwelling to another
 265 person if:

- 266 (a) the dwelling is designed for occupancy by four or fewer families; and
267 (b) the owner-occupant resides in one of the units.
- 268 (4)(a)(i) Unless membership in a religion is restricted by race, color, sex, or national
269 origin, this chapter does not prohibit an entity described in Subsection (4)(a)(ii)
270 from:
- 271 (A) limiting the sale, rental, or occupancy of a dwelling or temporary or
272 permanent residence facility the entity owns or operates for primarily
273 noncommercial purposes to persons of the same religion; or
 - 274 (B) giving preference to persons of the same religion when selling, renting, or
275 selecting occupants for a dwelling, or a temporary or permanent residence
276 facility, the entity owns or operates for primarily noncommercial purposes.
- 277 (ii) The following entities are entitled to the exemptions described in Subsection
278 (4)(a)(i):
- 279 (A) a religious organization, association, or society; or
 - 280 (B) a nonprofit institution or organization operated, supervised, or controlled by or
281 in conjunction with a religious organization, association, or society.
- 282 (b)(i) This chapter does not prohibit an entity described in Subsection (4)(b)(ii) from:
- 283 (A) limiting the sale, rental, or occupancy of a dwelling, or a temporary or
284 permanent residence facility, the entity owns or operates to persons of a
285 particular religion, sex, sexual orientation, or gender identity; or
 - 286 (B) giving preference to persons of a particular religion, sex, sexual orientation, or
287 gender identity when selling, renting, or selecting occupants for a dwelling, or
288 a temporary or permanent residence facility, the entity owns or operates.
- 289 (ii) The following entities are entitled to the exemptions described in Subsection
290 (4)(b)(i):
- 291 (A) an entity described in Subsection (4)(a)(ii); and
 - 292 (B) a person who owns a dwelling, or a temporary or permanent residence facility,
293 that is under contract with an entity described in Subsection (4)(a)(ii).
- 294 (5)(a) If the conditions of Subsection (5)(b) are met, this chapter does not prohibit a
295 private club not open to the public, including a fraternity or sorority associated with
296 an institution of higher education, from:
- 297 (i) limiting the rental or occupancy of lodgings to members; or
 - 298 (ii) giving preference to its members.
- 299 (b) This Subsection (5) applies only if the private club owns or operates the lodgings as

- 300 an incident to its primary purpose and not for a commercial purpose.
- 301 (6) This chapter does not prohibit distinctions based on inability to fulfill the terms and
 302 conditions, including financial obligations, of a lease, rental agreement, contract of
 303 purchase or sale, mortgage, trust deed, or other financing agreement.
- 304 (7) This chapter does not prohibit a nonprofit educational institution, including a
 305 degree-granting institution of higher education listed in Subsection 53B-1-102(1)(a),
 306 from:
- 307 (a) requiring its single students to live in a dwelling, or a temporary or permanent
 308 residence facility, that is owned by, operated by, or under contract with the nonprofit
 309 educational institution;
- 310 (b) segregating a dwelling, or a temporary or permanent residence facility, that is owned
 311 by, operated by, or under contract with the nonprofit educational institution on the
 312 basis of sex, as defined in Section 68-3-12.5, regardless of gender identity, or familial
 313 status or both:
- 314 (i) for reasons of personal modesty or privacy; or
 315 (ii) in the furtherance of a religious institution's free exercise of religious rights under
 316 the First Amendment of the United States Constitution or the Utah Constitution; or
- 317 (c) otherwise assisting another person in making a dwelling, or a temporary or
 318 permanent residence facility, available to students on a sex-segregated basis as may
 319 be permitted by:
- 320 (i) regulations implementing the federal Fair Housing Amendments Act of 1988;
 321 (ii) Title IX of the Education Amendments of 1972; or
 322 (iii) other applicable law.
- 323 (8) This chapter does not prohibit any reasonable local, state, or federal restriction
 324 regarding the maximum number of occupants permitted to occupy a dwelling.
- 325 (9) A provision of this chapter that pertains to familial status does not apply to the
 326 existence, development, sale, rental, advertisement, or financing of an apartment
 327 complex, condominium, or other housing development designated as housing for older
 328 persons, as defined by Title VIII of the Civil Rights Act of 1968, as amended.

329 Section 5. Section **63G-31-101** is amended to read:

330 **63G-31-101 (Effective 06/01/25). Definitions.**

331 As used in this chapter:

- 332 (1)(a) "Changing room" means a space designated for multiple individuals to dress or
 333 undress within the same space.

- 334 (b) "Changing room" includes:
- 335 (i) a dressing room, fitting room, locker room, or shower room; and
- 336 (ii) a restroom when a changing room contains or is attached to the restroom.
- 337 (2)(a) "Facility" means a publicly owned or controlled building, structure, or other
- 338 improvement.
- 339 (b) "Facility" includes a subset of a publicly owned or controlled building, structure, or
- 340 other improvement, including a restroom or locker room.
- 341 (3) "Government entity" means~~[:]~~ the same as that term is defined in Section 63G-2-103.
- 342 ~~[(a) the state; or]~~
- 343 ~~[(b) any county, municipality, special district, special service district, or other political~~
- 344 ~~subdivision or administrative unit of the state, including:]~~
- 345 ~~[(i) a state institution of higher education as defined in Section 53B-2-101; or]~~
- 346 ~~[(ii) a local education agency as defined in Section 53G-7-401.]~~
- 347 (4) "Intersex individual" means the same as that term is defined in Section 26B-8-101.
- 348 (5) "Men's restroom" means a restroom that is designated for the exclusive use of males and
- 349 not females.
- 350 (6)(a) "Open to the general public" means that a privacy space is:
- 351 (i) freely accessible to a member of the general public;
- 352 (ii) accessible to an individual who has purchased a ticket, paid an entry fee, paid a
- 353 membership fee, or otherwise paid to access the facility containing the relevant
- 354 privacy space; or
- 355 (iii) accessible to a student of an institution of higher education described in Section
- 356 52B-2-101~~[-]~~ :
- 357 (A) either freely or as described in Subsection (6)(a)(ii)~~[-]~~ ; or
- 358 (B) within student housing as defined in Section 63G-31-305.
- 359 (b) "Open to the general public" does not include a privacy space that is:
- 360 (i) only accessible to employees of a government entity; or
- 361 (ii) any area that is not normally accessible to the public.
- 362 (7) "Privacy space" means a restroom or changing room within a publicly owned or
- 363 controlled facility, where an individual has a reasonable expectation of privacy.
- 364 (8) "Publicly owned or controlled" means that a government entity has at least a partial
- 365 ownership interest in or has control of a facility, program, or event.
- 366 (9)(a) "Restroom" means any space that includes a toilet.
- 367 (b) "Restroom" includes:

- 368 (i) sex-designated men's restrooms;
- 369 (ii) sex-designated women's restrooms;
- 370 (iii) unisex restrooms; and
- 371 (iv) single-occupant restrooms.
- 372 (10) "Sex-designated" means that a facility, program, or event is designated specifically for
- 373 males or females and not the opposite sex.
- 374 (11) "Single-occupant" means, in relation to a single-occupant facility or privacy space, that
- 375 the facility or privacy space:
- 376 (a) has floor-to-ceiling walls;
- 377 (b) has an entirely encased and locking door; and
- 378 (c) is designated for single occupancy.
- 379 (12) "Unamended birth certificate" means a birth certificate:
- 380 (a) with no amendment history; or
- 381 (b) with an amendment history that:
- 382 (i) does not include gender-related amendments; or
- 383 (ii) includes gender-related amendments that only:
- 384 (A) correct an error or omission resulting from a scrivener's error under
- 385 Subsection 26B-8-107(2); or
- 386 (B) correct a misidentification of birth sex for an intersex individual under
- 387 Subsection 26B-8-107(3).
- 388 [~~12~~] (13) "Unisex" means, in relation to a unisex facility or privacy space, that the facility
- 389 or privacy space:
- 390 (a) is designated for the use of both sexes; or
- 391 (b) is not sex-designated.
- 392 [~~13~~] (14) "Women's restroom" means a restroom that is designated for the exclusive use of
- 393 females and not males.
- 394 Section 6. Section **63G-31-201** is amended to read:
- 395 **63G-31-201 (Effective upon governor's approval). Distinctions on the basis of**
- 396 **sex.**
- 397 (1) A government entity may not, on the basis of sex, exclude an individual from
- 398 participation in, deny an individual from the benefits of, or subject an individual to a
- 399 sex-based distinction in or under any government or otherwise publicly owned or
- 400 controlled facility, program, or event, unless the distinction is substantially related to an
- 401 important government objective.

402 (2) Each government entity shall ensure the preservation of distinctions on the basis of sex
403 that protect individual privacy and competitive opportunity, as described in this chapter.

404 (3)(a) As used in this Subsection (3), "athletic facility" does not include a privacy space.

405 (b) To preserve the individual privacy and competitive opportunity of females, an
406 individual is not entitled to and may not access, use, or benefit from a government
407 entity's athletic facility, program, or event if:

408 (i) the facility, program, or event is designated for females; and

409 (ii) the individual is not female.

410 (c) To preserve the individual privacy and competitive opportunity of males, an
411 individual is not entitled to and may not access, use, or benefit from a government
412 entity's athletic facility, program, or event if:

413 (i) the facility, program, or event is designated for males; and

414 (ii) the individual is not male.

415 (4) ~~[Notwithstanding]~~ Subsections (1) through (3) ~~[, this chapter does]~~ and Subsection
416 63G-31-204(4) do not apply to:

417 (a) a determination of the School Activity Eligibility Commission, created in Section
418 53G-6-1003, regarding a student's athletic eligibility; or

419 (b) ~~[in the context of]~~ the participation of a student ~~[who]~~ , if the student has obtained the
420 eligibility approval of the commission under Subsection 53G-6-1004(2) ~~[to participate]~~ ,
421 in a gender-designated interscholastic activity that does not correspond with the sex
422 designation on the student's birth certificate, as those terms are defined in Section
423 53G-6-1001.

424 Section 7. Section **63G-31-202** is amended to read:

425 **63G-31-202 (Effective 06/01/25). Sex-based distinctions to protect individual**
426 **privacy.**

427 A distinction on the basis of sex that provides separate accommodations for the sexes is
428 substantially related to the important government objective of protecting individual privacy,
429 including in the following contexts:

430 (1) a privacy space; ~~[and]~~

431 (2) a correctional facility as defined in Section 77-16b-102 ~~[;]~~ ; and

432 (3) multi-occupancy sex-designated publicly owned dwellings.

433 Section 8. Section **63G-31-301** is amended to read:

434 **63G-31-301 (Effective upon governor's approval). Sex-designated privacy spaces**
435 **in public schools.**

- 436 (1) To preserve the individual privacy of male and female students in the public education
 437 system, a student may only access an operational sex-designated privacy space within a
 438 public school that is designated for student use if the student's sex corresponds with the
 439 sex designation of the privacy space.
- 440 (2) For a student who makes a request to use a privacy space other than the sex-designated
 441 privacy space that corresponds with the student's sex because of the student's gender
 442 identity, as defined in Section 34A-5-102, or reasonable fear of bullying, the local
 443 education agency, as defined in Section 53E-1-102, shall coordinate with the student's
 444 parent or legal guardian to develop a privacy plan that provides the student with:
 445 (a)(i) reasonable access to a unisex or single-occupant facility; or
 446 (ii) reasonable access to a faculty or staff restroom; or
 447 (b) if the access described in Subsection (2)(a) is unavailable, reasonable access to
 448 private use of an otherwise sex-designated privacy space through staggered
 449 scheduling or another policy provision that provides for temporary private access.
- 450 (3) An LEA satisfies the LEA's duties regarding student use of a privacy space under this
 451 chapter if the LEA:
 452 (a) gives notice to students of the provisions of this section;
 453 (b) takes administrative action to address violations of and promote compliance with this
 454 section; and
 455 (c) develops a privacy plan in accordance with Subsection (2).
- 456 (4) An individual may use~~[the following evidence] ,~~ as a defense to an allegation that the
 457 student is not eligible to access and use a sex-designated privacy space under Subsection
 458 (1)~~[:]~~ ,
 459 ~~[(a)]~~ the student's unamended birth certificate that corresponds with the sex designation
 460 of privacy space, which may be supported with a review of any amendment history
 461 obtained under Section 26B-8-125~~[:or]~~ ,
 462 ~~[(b) documentation of a medical treatment or procedure that is consistent only with the~~
 463 ~~sex designation of the privacy space.]~~
- 464 (5) Subsection (1) does not apply to:
 465 (a) a unisex or single-occupant facility; or
 466 (b) an intersex individual.
- 467 Section 9. Section **63G-31-302** is amended to read:
 468 **63G-31-302 (Effective upon governor's approval). Sex-designated changing**
 469 **rooms in publicly owned facilities open to the general public.**

- 470 (1)(a) Except as provided in Subsection (1)(b), to preserve the individual privacy of
471 males and females, an individual may only access an operational sex-designated
472 changing room in a government entity's facility that is open to the general public if:
- 473 (i) the individual's sex corresponds with the sex designation of the changing room; or
 - 474 (ii) the individual has:
 - 475 (A) legally amended the individual's birth certificate to correspond with the sex
476 designation of the changing room, which may be supported with a review of
477 any amendment history obtained under Section 26B-8-125; and
 - 478 (B) undergone a primary sex characteristic surgical procedure as defined in
479 Section 58-67-102 to correspond with the sex designation of the changing
480 room.
- 481 (b) Subsection (1)(a) does not apply to:
- 482 (i) a minor child who requires assistance to access or use the changing room that
483 corresponds with the sex of the minor's parent, guardian, or relative;
 - 484 (ii) a dependent minor, as defined in Section 76-5-110, or a dependent adult, as
485 defined in Section 76-5-111 who requires assistance to access or use the changing
486 room that corresponds with the sex of a caretaker;
 - 487 (iii) an individual providing public safety services, including law enforcement,
488 emergency medical services as defined in Section 26B-4-101, and fire protection;
 - 489 (iv) an employee of a health care facility, as defined in Section 26B-2-201, to provide
490 health care services to a patient of the health care facility; or
 - 491 (v) an individual whose employment duties include the maintenance or cleaning of
492 the changing room.
- 493 (2) An individual in a changing room has a reasonable expectation of privacy, satisfying the
494 privacy element of the offense of voyeurism in Section 76-9-702.7.
- 495 (3) An individual who knowingly enters a changing room in violation of Subsection (1)
496 commits the offense of criminal trespass under Section 76-6-206 if the individual enters
497 or remains in the changing room under circumstances which a reasonable person would
498 expect to likely cause affront or alarm to, on, or in the presence of another individual.
- 499 (4) The surgical provision described in Subsection (1)(a)(ii) does not shield an individual
500 from the offense of lewdness related to genitalia under Subsection 76-9-702(3) or
501 76-9-702.5(4).
- 502 (5) An individual may use the following evidence as a defense against an allegation that the
503 individual is not eligible to access and use a sex-designated changing room under

- 504 Subsection (1):
- 505 (a) for an individual whose birth sex corresponds with the sex designation of the
- 506 changing room[;],
- 507 [(i)] an individual's unamended birth certificate that corresponds with the sex
- 508 designation of the changing room, which may be supported with a review of any
- 509 amendment history obtained under Section 26B-8-125; or
- 510 [~~(ii) documentation of a medical treatment or procedure that is consistent only with~~
- 511 ~~the sex designation of the changing room; or]~~
- 512 (b) for an individual whose birth sex does not correspond with the sex designation of the
- 513 changing room:
- 514 (i) the individual's amended birth certificate, which may be supported with a review
- 515 of any amendment history obtained under Section 26B-8-125; and
- 516 (ii) documentation that demonstrates that the individual has undergone a primary sex
- 517 characteristic surgical procedure as defined in Section 58-67-102.
- 518 (6) Subsection (1) does not apply to:
- 519 (a) a unisex or single-occupant facility;
- 520 (b) a changing room that is not open to the general public; or
- 521 (c) an intersex individual.
- 522 Section 10. Section **63G-31-304** is amended to read:
- 523 **63G-31-304 (Effective 06/01/25). Government entity facility compliance.**
- 524 (1) Except as provided under Section 53G-8-211, a government entity shall contact law
- 525 enforcement if the entity receives a complaint or allegation regarding the following
- 526 within a privacy space in a facility that is open to the general public:
- 527 (a) an offense of lewdness under Section 76-9-702;
- 528 (b) an offense of lewdness involving a child under Section 76-9-702.5;
- 529 (c) voyeurism under Section 76-9-702.7;
- 530 (d) loitering in a privacy space under Section 76-9-702.8; or
- 531 (e) for a changing room described in Section 63G-31-302, an offense of criminal
- 532 trespass under Subsection 63G-31-302(2).
- 533 (2) To preserve the individual privacy of males and females in privacy spaces:
- 534 (a) a government entity that has administrative control over access to a given facility
- 535 with a privacy space that is open to the general public shall adopt a privacy
- 536 compliance plan to address compliance with the government entity's duties under this
- 537 chapter;

- 538 (b) for construction of a new facility~~[, a]~~ with a privacy space that is open to the general
 539 public, the government entity that has authority over construction or remodeling of
 540 the facility shall ensure that the new construction includes a single-occupant facility;
 541 and
- 542 (c) for existing privacy spaces, [a] the government entity that has authority over
 543 construction or remodeling of the facility that contains the privacy space:
- 544 (i) shall consider the feasibility of retrofitting or remodeling to include:
- 545 (A) floor-to-ceiling walls and doors or similar privacy protections;
- 546 (B) curtains; or
- 547 (C) other methods of improving individual privacy within the facility that are
 548 comparable to the methods described in Subsections (2)(a)(i) and (ii); and
- 549 (ii) may reduce the number of fixtures that state law requires by up to 20% to provide
 550 adequate space for the retrofitting or remodeling described in Subsection (2)(a).
- 551 (3) [A] The government entity with authority regarding the design of a facility with a
 552 privacy space that is open to the general public shall ensure sufficient sex-designated
 553 privacy spaces through compliance with Sections 15A-3-112 and 15A-3-304 regarding
 554 unisex facilities.

555 Section 11. Section **63G-31-305** is enacted to read:

556 **63G-31-305 (Effective 06/01/25). Higher education student housing.**

- 557 (1) As used in this section:
- 558 (a) "Degree-granting institution" means the same as that term is defined in Section
 559 53B-1-101.5.
- 560 (b) "Dwelling unit" means the same as that term is defined in Section 15A-5-102.
- 561 (c) "Student housing" means housing that a degree-granting institution publicly owns or
 562 controls.
- 563 (2) To preserve the individual privacy of males and females, a degree-granting institution
 564 that provides student housing may only rent to, assign, or otherwise place an individual
 565 in a dwelling unit that is sex-designated within the institution's student housing if the
 566 individual's sex corresponds with the sex designation of the dwelling unit within the
 567 institution's student housing.
- 568 (3) An individual may use the following evidence as a defense against an allegation that the
 569 individual is not eligible for renting, assignment, or placement in a sex-designated
 570 dwelling unit under Subsection (2): an individual's unamended birth certificate that
 571 corresponds with the sex designation of the dwelling unit, which may be supported with

- 572 a review of any amendment history obtained under Section 26B-8-125.
- 573 (4) Subsection (2) does not apply to:
- 574 (a) dwelling units within student housing that the institution designates as unisex or
- 575 single-occupant; or
- 576 (b) an intersex individual.
- 577 (5) Nothing in this section prohibits a degree-granting institution from offering a dwelling
- 578 unit in student housing that is not sex-designated if the institution only assigns or places
- 579 an individual in the dwelling unit who seeks a dwelling unit that is not sex-designated.

580 Section 12. **Effective Date.**

- 581 (1) Except as provided in Subsection (2), this bill takes effect June 1, 2025.
- 582 (2)(a) The actions affecting sections described in Subsection (2)(b) take effect:
- 583 (i) except as provided in Subsection (2)(a)(ii), May 7, 2025; or
- 584 (ii) if approved by two-thirds of all members elected to each house:
- 585 (A) upon approval by the governor;
- 586 (B) without the governor's signature, the day following the constitutional time
- 587 limit of Utah Constitution, Article VII, Section 8; or
- 588 (C) in the case of a veto, the date of veto override.
- 589 (b) Subsection (2)(a) applies to the actions affecting the following sections:
- 590 (i) Section 63G-31-301 (Effective upon governor's approval);
- 591 (ii) Section 53G-6-1005 (Effective upon governor's approval);
- 592 (iii) Section 63G-31-201 (Effective upon governor's approval); and
- 593 (iv) Section 63G-31-302 (Effective upon governor's approval).