

HB0250S01 compared with HB0250

~~{Omitted text}~~ shows text that was in HB0250 but was omitted in HB0250S01

inserted text shows text that was not in HB0250 but was inserted into HB0250S01

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1 **Public Employee Gender-specific Language Requirements**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Nicholeen P. Peck

Senate Sponsor: Daniel McCay



3 **LONG TITLE**

4 **General Description:**

5 This bill prohibits certain employment action against a public employee in relation to gender-specific language.

7 **Highlighted Provisions:**

8 This bill:

8 ▶ prohibits the State Board of Education, a local education agency, or a public employer from taking disciplinary action against an employee for using gender-specific language in certain circumstances;

11 ▶ requires a public employer that has a rule or policy requiring an employee to use gender-specific language to accommodate another individual to exempt the employee from disciplinary action in certain circumstances; and

14 ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

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19 This bill provides a special effective date.

21 AMENDS:

22 **53G-10-206** , as last amended by Laws of Utah 2024, Chapter 507 , as last amended by Laws of
Utah 2024, Chapter 507

23 ENACTS:

24 **67-21-3.3** , Utah Code Annotated 1953 , Utah Code Annotated 1953

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

27 Section 1. Section **53G-10-206** is amended to read:

28 **53G-10-206. Educational freedom.**

28 (1) As used in this section:

29 (a)

(i) "Administrative personnel" means any LEA or state board staff personnel who have system-wide, LEA-wide, or school-wide functions and who perform management activities, including:

32 (A) developing broad policies for LEA or state-level boards; and

33 (B) executing developed policies through the direction of personnel at any level within the state or LEA.

35 (ii) "Administrative personnel" includes state, LEA, or school superintendents, assistant superintendents, deputy superintendents, school principals, assistant principals, directors, executive directors, network directors, cabinet members, subject area directors, grant coordinators, specialty directors, career center directors, educational specialists, technology personnel, technology administrators, and others who perform management activities.

41 (b)

(i) "Instructional personnel" means an individual whose function includes the provision of:

43 (A) direct or indirect instructional services to students;

44 (B) direct or indirect support in the learning process of students; or

45 (C) direct or indirect delivery of instruction, training, coaching, evaluation, or professional development to instructional or administrative personnel.

47 (ii) "Instructional personnel" includes:

48 (A) the state board, LEAs, schools, superintendents, boards, administrators, administrative staff, teachers, classroom teachers, facilitators, coaches, proctors, therapists, counselors, student personnel

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services, librarians, media specialists, associations, affiliations, committees, contractors, vendors, consultants, advisors, outside entities, community volunteers, para-professionals, public-private partners, trainers, mentors, specialists, and staff; or

55 (B) any other employees, officials, government agencies, educational entities, persons, or groups for whom access to students is facilitated through, or not feasible without, the public education system.

58 (2)

(a) Each LEA shall provide an annual assurance to the state board that the LEA's professional learning, administrative functions, displays, and instructional and curricular materials, are consistent with the following principles of individual freedom:

62 (i) the principle that all individuals are equal before the law and have unalienable rights; and

64 (ii) the following principles of individual freedom:

65 (A) that no individual is inherently racist, sexist, or oppressive, whether consciously or unconsciously, solely by virtue of the individual's race, sex, or sexual orientation;

68 (B) that no race is inherently superior or inferior to another race;

69 (C) that no person should be subject to discrimination or adverse treatment solely or partly on the basis of the individual's race, color, national origin, religion, disability, sex, or sexual orientation;

72 (D) that meritocracy or character traits, including hard work ethic, are not racist nor associated with or inconsistent with any racial or ethnic group; and

74 (E) that an individual, by virtue of the individual's race or sex, does not bear responsibility for actions that other members of the same race or sex committed in the past or present.

77 (b) Nothing in this section prohibits instruction regarding race, color, national origin, religion, disability, or sex in a manner that is consistent with the principles described in Subsection (2)(a).

80 (3) The state board or an LEA may not:

81 (a) attempt to persuade a student or instructional or administrative personnel to a point of view that is inconsistent with the principles described in Subsection (2)(a); [Ø]

83 (b) implement policies or programs, or allow instructional personnel or administrative personnel to implement policies or programs, with content that is inconsistent with the principles described in Subsection (2)(a)[:] ; or

86 (c) pursue disciplinary action against an individual who is instructional personnel or administrative personnel solely because the individual, in relation to a student, referred to the student by a name, pronoun, or other gender-specific language:

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- 89 (i) ~~{in good faith,}~~ related the student's birth name~~{,}~~ or biological sex in good faith and without
92 knowledge of a preference described in Subsection (3)(c)(ii);
92 (ii)
(A) except as provided in Subsection (3)(c)(ii)(B), that the student prefers; or
93 (B) that the student's parent prefers; or
94 (iii) that does not conflict with the employee's religious or moral beliefs in a reasonable, non-disruptive,
and non-harassing way, in accordance with Section 34A-5-112.
97 (4) { ~~Ĥ~~ → } { { } gender { } } { -sex } { } { { ~~Ĥ~~ } } { , or a pronoun or other gender-specific language related to
the student's biological } { ~~Ĥ~~ → } { } { { } gender { } } { -sex } { } { { ~~Ĥ~~ } } ; or }
91 {(ii) {the name, pronoun, or gender-specific language the student's parent prefers.}
92 {(4)} The state board and state superintendent may not develop or continue to use core standards under
Section 53E-3-301 or professional learning that are inconsistent with the principles described in
Subsection (2)(a).
100 Section 2. Section 2 is enacted to read:
101 **67-21-3.3. Gender-specific language preference -- Employer action.**
97 (1) An employer may not pursue disciplinary action against an employee solely because the
employee~~{,}~~ , in relation to another individual, refers to the individual by a name, pronoun, or
other gender-specific language:
99 (a) { { (a) } { } } { ~~Ĥ~~ } { in good faith, uses a pronoun or other gender-specific language in relation
to another individual } that conflicts with the individual's personal gender-specific language
preference~~{,}~~ in good faith and without knowledge of a preference described in Subsection (1)(b);
{or.}
107 (b) that the individual prefers; or
102 (c) { (b) } { because of } that does not conflict with the employee's { sincerely held } religious or moral
{ belief, uses } beliefs in a { pronoun or } other gender-specific language in relation to another
individual that conflicts } reasonable, non-disruptive, and non-harassing way, in accordance with
{ the } individual's personal gender-specific language preference. } Section 34A-5-112.
105 (2) If an employer implements a rule or policy that requires an employee to use gender-specific
language to accommodate another individual's personal gender-specific language preference, the
employer shall:

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(a) ensure that the rule or policy exempts from disciplinary action an employee described in Subsection (1); and

110 (b) notify employees in writing of the exemptions described in this section.

116 Section 3. **Effective date.**

This bill takes effect on July 1, 2025.

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