

**Privacy Protections in Sex-designated Areas**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephanie Gricius**

Senate Sponsor: Brady Brammer

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**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 sex-designated privacy spaces 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:**

None

**Utah Code Sections Affected:**

AMENDS:

**53B-1-118**, as enacted by Laws of Utah 2024, Chapter 3

30 **53G-6-1005**, as enacted by Laws of Utah 2022, Chapter 478  
 31 **57-21-3**, as last amended by Laws of Utah 2024, Chapter 200  
 32 **63G-31-101**, as enacted by Laws of Utah 2024, Chapter 2  
 33 **63G-31-201**, as enacted by Laws of Utah 2024, Chapter 2  
 34 **63G-31-202**, as enacted by Laws of Utah 2024, Chapter 2  
 35 **63G-31-301**, as enacted by Laws of Utah 2024, Chapter 2  
 36 **63G-31-302**, as enacted by Laws of Utah 2024, Chapter 2  
 37 **63G-31-304**, as enacted by Laws of Utah 2024, Chapter 2

38 ENACTS:

39 **53B-1-411**, Utah Code Annotated 1953  
 40 **63G-31-305**, Utah Code Annotated 1953

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

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

44 **53B-1-118 . Prohibited discriminatory practices -- Restrictions -- Campus**  
 45 **climate survey -- Exceptions.**

46 (1) As used in this section:

47 (a) "Important government interest" means a governmental purpose relating to[-] :

48 (i) athletic competition or athletic safety in public education; or[-]

49 (ii) privacy, including compliance with Title 63G, Chapter 31, Distinctions on the  
 50 Basis of Sex.

51 (b) "Personal identity characteristics" means an individual's race, color, ethnicity, sex,  
 52 sexual orientation, national origin, religion, or gender identity.

53 (c)(i) "Prohibited discriminatory practice" means engaging in or maintaining a policy,  
 54 procedure, practice, program, office, initiative, or required training that, based on  
 55 an individual's personal identity characteristics:

56 (A) promotes the differential treatment of an individual without an important  
 57 government interest;

58 (B) influences the employment decisions of an individual other than through the  
 59 use of neutral hiring processes with regard to personal identity characteristics  
 60 and in accordance with federal law;

61 (C) influences an individual's admission to, advancement in, or graduation from  
 62 an institution, the public education system, or an academic program; or

63 (D) influences an individual's participation in an institution-sponsored or public

- 64 education system-sponsored program.
- 65 (ii) "Prohibited discriminatory practice" also means engaging in or maintaining a  
66 policy, procedure, practice, program, office, initiative, or required training that:
- 67 (A) asserts that one personal identity characteristic is inherently superior or  
68 inferior to another personal identity characteristic;
- 69 (B) asserts that an individual, by virtue of the individual's personal identity  
70 characteristics, is inherently privileged, oppressed, racist, sexist, oppressive, or  
71 a victim, whether consciously or unconsciously;
- 72 (C) asserts that an individual should be discriminated against in violation of Title  
73 VI, Title VII, and Title IX, receive adverse treatment, be advanced, or receive  
74 beneficial treatment because of the individual's personal identity characteristics;
- 75 (D) asserts that an individual's moral character is determined by the individual's  
76 personal identity characteristics;
- 77 (E) asserts that an individual, by virtue of the individual's personal identity  
78 characteristics, bears responsibility for actions committed in the past by other  
79 individuals with the same personal identity characteristics;
- 80 (F) asserts that an individual should feel discomfort, guilt, anguish, or other  
81 psychological distress solely because of the individual's personal identity  
82 characteristics;
- 83 (G) asserts that meritocracy is inherently racist or sexist;
- 84 (H) asserts that socio-political structures are inherently a series of power  
85 relationships and struggles among racial groups;
- 86 (I) promotes resentment between, or resentment of, individuals by virtue of their  
87 personal identity characteristics;
- 88 (J) ascribes values, morals, or ethical codes, privileges, or beliefs to an individual  
89 because of the individual's race, color, ethnicity, sex, sexual orientation,  
90 national origin, or gender identity;
- 91 (K) considers an individual's personal identity characteristics in determining  
92 receipt of state financial aid or other state financial assistance, including a  
93 scholarship award or tuition waiver; or
- 94 (L) is referred to or named diversity, equity, and inclusion.
- 95 (iii) "Prohibited discriminatory practice" does not include policies or procedures  
96 required by state or federal law, including laws relating to prohibited  
97 discrimination or harassment.

- 98 (d) "Student success and support" means an office, division, employment position, or  
99 other unit of an institution established or maintained to provide support, guidance,  
100 and resources that equip all students, including all students at higher risk of not  
101 completing a certificate or degree, with experiences and opportunities for success in  
102 each student's academic and career goals, and without excluding individuals on the  
103 basis of an individual's personal identity characteristics.
- 104 (e) "Title VI" means Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d et  
105 seq.
- 106 (f) "Title VII" means Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e et  
107 seq.
- 108 (g) "Title IX" means Title IX of the Education Amendments of 1972, 20 U.S.C. Sec.  
109 1681 et seq.
- 110 (2) An institution may not:
- 111 (a) engage in prohibited discriminatory practices;
- 112 (b) take, express, or assert a position or opinion on subjects described in Subsection  
113 67-27-107(1)(b)(ii);
- 114 (c) establish or maintain an office, division, employment position, or other unit of an  
115 institution established to implement, develop, plan, or promote campus policies,  
116 procedures, practices, programs, or initiatives, regarding prohibited discriminatory  
117 practices; or
- 118 (d) employ or assign an employee or a third-party whose duties for an institution include  
119 coordinating, creating, developing, designing, implementing, organizing, planning, or  
120 promoting policies, programming, training, practices, activities, and procedures  
121 relating to prohibited discriminatory practices.
- 122 (3) An institution shall:
- 123 (a) ensure that all students have access to programs providing student success and  
124 support;
- 125 (b) publish the titles and syllabi of all mandatory courses, seminars, classes, workshops,  
126 and training sessions on the institution's website in an online database readily  
127 searchable by the public;
- 128 (c) annually train employees on the separation of personal political advocacy from an  
129 institution's business and employment activities;
- 130 (d) develop strategies, including inviting speakers, to promote viewpoint diversity; and  
131 (e) establish policies and procedures to include opportunities for education and research

- 132 on free speech and civic education.
- 133 (4) Beginning on or before July 1, 2025, the board shall report to the Higher Education  
134 Appropriations Subcommittee on the status and allocation of appropriated funds for  
135 student success and support.
- 136 (5) The Legislature shall, in a line item appropriation, appropriate ongoing funding to  
137 support an institution's student success and support program in accordance with this  
138 section.
- 139 (6)(a) On or before January 1, 2025, the board shall contract with a third-party  
140 contractor, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, to  
141 conduct a campus expression climate survey of each institution:
- 142 (i) to assess student, faculty, and staff perceptions of and experiences with an  
143 institution's campus environment that measures the student's, faculty member's,  
144 and staff member's perception of and experience with an institution's campus  
145 environment; and
- 146 (ii) that measures the student's, faculty member's, and staff member's perception of  
147 and experience with campus policy and practice regarding freedom of speech and  
148 academic freedom at the institution.
- 149 (b) The board shall collect the results of each campus expression climate survey under  
150 Subsection (6) and submit the results to the Office of Legislative Research and  
151 General Counsel beginning on or before July 1.
- 152 (7)(a) The Office of Legislative Research and General Counsel shall provide a summary  
153 report on the data collected from the campus expression climate surveys to the  
154 Education Interim Committee on or before:
- 155 (i) November 1, 2027, for reports received in years 2025, 2026, and 2027;  
156 (ii) November 1, 2030, for reports received in years 2028, 2029, and 2030; and  
157 (iii) November 1, 2033, for reports received in years 2031, 2032, and 2033.
- 158 (b) On or before November 1, 2035, the Office of Legislative Research and General  
159 Counsel shall provide a comprehensive report of the campus expression climate  
160 surveys to the Education Interim Committee.
- 161 (8) Nothing in this section requires an individual to respond to a campus expression climate  
162 survey.
- 163 (9) Nothing in this section limits or prohibits an institution's authority to establish policies  
164 that:
- 165 (a) are necessary to comply with state or federal law, including laws relating to

- 166 prohibited discrimination or harassment;
- 167 (b) require disclosure of an employee's academic research, classroom teaching, or  
168 coursework; or
- 169 (c) require for employment, tenure, or promotion to disclose or discuss the applicant's:  
170 (i) research;  
171 (ii) teaching agenda;  
172 (iii) artistic creations; or  
173 (iv) pedagogical approaches or experiences with students of all learning abilities.
- 174 (10) This section does not apply to:
- 175 (a) requirements necessary for athletic and accreditation compliance;  
176 (b) academic research;  
177 (c) academic course teaching in the classroom;  
178 (d) a grant that would otherwise require:  
179 (i) a department, office, division, or other unit of an institution to engage in a  
180 prohibited discriminatory practice if the grant has been reviewed and approved by  
181 the institution's board of trustees; or  
182 (ii) an institution to engage in a prohibited discriminatory practice if the grant has  
183 been reviewed and approved by the board;
- 184 (e) requirements necessary for an institution to establish or maintain eligibility for any  
185 federal program; or  
186 (f) private scholarships administered by an institution.
- 187 (11) Notwithstanding any other provision of this part, the University of Utah may take any  
188 action required for the University of Utah to comply with the terms of an agreement  
189 entered into between the University of Utah and the Ute Indian Tribe before July 1, 2024.
- 190 (12)(a) Beginning on July 1, 2025, the board shall conduct a biennial review of an  
191 institution of higher education's compliance with this section as follows:  
192 (i) for 2025, on each institution of higher education; and  
193 (ii) for 2026, and every year after, on one-half of the degree granting institutions of  
194 higher education and one-half of the technical colleges.
- 195 (b) If the board identifies a violation of this section, the board shall:  
196 (i) on or before 30 days after the day on which the board identifies the violation,  
197 work with the institution to create a remediation plan; and  
198 (ii) provide the institution 180 days after the day of the creation of the remediation  
199 plan to cure the violation.

- 200 (13) On or before November 1 of each year, the board shall prepare and submit a report to  
 201 the Higher Education Appropriations Subcommittee on:  
 202 (a) the review process and each institution's compliance determination; or  
 203 (b) if a violation is identified, the remediation plan and progress under Subsection (12)(b).  
 204 (14) On or before December 1 of each year, the Higher Education Appropriations  
 205 Subcommittee shall:  
 206 (a) report the findings under Subsections (4) and (13) to the Legislature; and  
 207 (b) make appropriation recommendations about an institution's compliance with this  
 208 section.

209 (15) The Legislature may withhold future state appropriations to an institution that fails to  
 210 cure a violation of this section within the time provided under Subsection (12)(b).

211 (16) The board shall make rules in accordance with Title 63G, Chapter 3, Utah  
 212 Administrative Rulemaking Act, to establish a procedure for accepting and processing  
 213 an individual's complaint against an institution for an alleged violation of this section.

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

215 **53B-1-411 . Board guidance to degree-granting institutions on student housing.**

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

- 218 (1) compliance with the requirements for sex-designated dwelling units within the  
 219 institution's student housing under Section 63G-31-305; and  
 220 (2) practices to ensure individual privacy within the institution's student housing.

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

222 **53G-6-1005 . Reasonable accommodations.**

223 Nothing in this part prohibits an athletic association, LEA, or school from adopting  
 224 reasonable safety and privacy rules and policies that designate facilities, including restrooms,  
 225 shower facilities, and dressing facilities~~[, provided that]~~ if the rules and policies described in  
 226 this section afford reasonable accommodations based on gender identity to all students in  
 227 compliance with Title 63G, Chapter 31, Distinctions on the Basis of Sex.

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

229 **57-21-3 . Exemptions -- Sale by private individuals -- Nonprofit organizations --**  
 230 **Noncommercial transactions.**

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

- 233 (a) the owner does not own an interest in four or more single-family dwelling units held

- 234 for sale or lease at the same time;
- 235 (b) during a 24-month period, the owner does not sell two or more single-family  
236 dwelling units in which the owner was not residing or was not the most recent  
237 resident at the time of sale;
- 238 (c) the owner does not retain or use the facilities or services of a real estate broker or  
239 salesperson; and
- 240 (d) the owner does not use a discriminatory housing practice under Subsection 57-21-5  
241 (2) in the sale or rental of the dwelling.
- 242 (2) This chapter does not apply to a dwelling or a temporary or permanent residence facility  
243 if:
- 244 (a) the discrimination is by sex, as defined in Section 68-3-12.5, sexual orientation,  
245 gender identity, or familial status for reasons of personal modesty or privacy, or in  
246 the furtherance of a religious institution's free exercise of religious rights under the  
247 First Amendment of the United States Constitution or the Utah Constitution; and
- 248 (b) the dwelling or the temporary or permanent residence facility is:
- 249 (i) operated by a nonprofit or charitable organization;
- 250 (ii) owned by, operated by, or under contract with a religious organization, a religious  
251 association, a religious educational institution, or a religious society;
- 252 (iii) owned by, operated by, or under contract with an affiliate of an entity described  
253 in Subsection (2)(b)(ii); or
- 254 (iv) owned by or operated by a person under contract with an entity described in  
255 Subsection (2)(b)(ii).
- 256 (3) This chapter, except for Subsection 57-21-5(2), does not apply to the rental of a room in  
257 a single-family dwelling by an owner-occupant of the single-family dwelling to another  
258 person if:
- 259 (a) the dwelling is designed for occupancy by four or fewer families; and
- 260 (b) the owner-occupant resides in one of the units.
- 261 (4)(a)(i) Unless membership in a religion is restricted by race, color, sex, or national  
262 origin, this chapter does not prohibit an entity described in Subsection (4)(a)(ii)  
263 from:
- 264 (A) limiting the sale, rental, or occupancy of a dwelling or temporary or  
265 permanent residence facility the entity owns or operates for primarily  
266 noncommercial purposes to persons of the same religion; or
- 267 (B) giving preference to persons of the same religion when selling, renting, or



- 268 selecting occupants for a dwelling, or a temporary or permanent residence  
 269 facility, the entity owns or operates for primarily noncommercial purposes.
- 270 (ii) The following entities are entitled to the exemptions described in Subsection  
 271 (4)(a)(i):
- 272 (A) a religious organization, association, or society; or  
 273 (B) a nonprofit institution or organization operated, supervised, or controlled by or  
 274 in conjunction with a religious organization, association, or society.
- 275 (b)(i) This chapter does not prohibit an entity described in Subsection (4)(b)(ii) from:  
 276 (A) limiting the sale, rental, or occupancy of a dwelling, or a temporary or  
 277 permanent residence facility, the entity owns or operates to persons of a  
 278 particular religion, sex, sexual orientation, or gender identity; or  
 279 (B) giving preference to persons of a particular religion, sex, sexual orientation, or  
 280 gender identity when selling, renting, or selecting occupants for a dwelling, or  
 281 a temporary or permanent residence facility, the entity owns or operates.
- 282 (ii) The following entities are entitled to the exemptions described in Subsection  
 283 (4)(b)(i):
- 284 (A) an entity described in Subsection (4)(a)(ii); and  
 285 (B) a person who owns a dwelling, or a temporary or permanent residence facility,  
 286 that is under contract with an entity described in Subsection (4)(a)(ii).
- 287 (5)(a) If the conditions of Subsection (5)(b) are met, this chapter does not prohibit a  
 288 private club not open to the public, including a fraternity or sorority associated with  
 289 an institution of higher education, from:
- 290 (i) limiting the rental or occupancy of lodgings to members; or  
 291 (ii) giving preference to its members.
- 292 (b) This Subsection (5) applies only if the private club owns or operates the lodgings as  
 293 an incident to its primary purpose and not for a commercial purpose.
- 294 (6) This chapter does not prohibit distinctions based on inability to fulfill the terms and  
 295 conditions, including financial obligations, of a lease, rental agreement, contract of  
 296 purchase or sale, mortgage, trust deed, or other financing agreement.
- 297 (7) This chapter does not prohibit a nonprofit educational institution from:
- 298 (a) requiring its single students to live in a dwelling, or a temporary or permanent  
 299 residence facility, that is owned by, operated by, or under contract with the nonprofit  
 300 educational institution;
- 301 (b) segregating a dwelling, or a temporary or permanent residence facility, that is owned

- 302 by, operated by, or under contract with the nonprofit educational institution on the  
 303 basis of sex, as defined in Section 68-3-12.5, regardless of gender identity, or familial  
 304 status or both:
- 305 (i) for reasons of personal modesty or privacy; or  
 306 (ii) in the furtherance of a religious institution's free exercise of religious rights under  
 307 the First Amendment of the United States Constitution or the Utah Constitution; or
- 308 (c) otherwise assisting another person in making a dwelling, or a temporary or  
 309 permanent residence facility, available to students on a sex-segregated basis as may  
 310 be permitted by:
- 311 (i) regulations implementing the federal Fair Housing Amendments Act of 1988;  
 312 (ii) Title IX of the Education Amendments of 1972; or  
 313 (iii) other applicable law.
- 314 (8) This chapter does not prohibit any reasonable local, state, or federal restriction  
 315 regarding the maximum number of occupants permitted to occupy a dwelling.
- 316 (9) A provision of this chapter that pertains to familial status does not apply to the  
 317 existence, development, sale, rental, advertisement, or financing of an apartment  
 318 complex, condominium, or other housing development designated as housing for older  
 319 persons, as defined by Title VIII of the Civil Rights Act of 1968, as amended.

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

321 **63G-31-101 . Definitions.**

322 As used in this chapter:

- 323 (1)(a) "Changing room" means a space designated for multiple individuals to dress or  
 324 undress within the same space.
- 325 (b) "Changing room" includes:
- 326 (i) a dressing room, fitting room, locker room, or shower room; and  
 327 (ii) a restroom when a changing room contains or is attached to the restroom.
- 328 (2)(a) "Facility" means a publicly owned or controlled building, structure, or other  
 329 improvement.
- 330 (b) "Facility" includes a subset of a publicly owned or controlled building, structure, or  
 331 other improvement, including a restroom or locker room.
- 332 (3) "Government entity" means[:] the same as that term is defined in Section 63G-2-103.  
 333 [~~(a) the state; or~~]  
 334 [~~(b) any county, municipality, special district, special service district, or other political~~  
 335 ~~subdivision or administrative unit of the state, including:]~~

- 336           ~~[(i) a state institution of higher education as defined in Section 53B-2-101; or]~~  
337           ~~[(ii) a local education agency as defined in Section 53G-7-401.]~~
- 338 (4) "Intersex individual" means the same as that term is defined in Section 26B-8-101.
- 339 (5) "Men's restroom" means a restroom that is designated for the exclusive use of males and  
340 not females.
- 341 (6)(a) "Open to the general public" means that a privacy space is:  
342           (i) freely accessible to a member of the general public;  
343           (ii) accessible to an individual who has purchased a ticket, paid an entry fee, paid a  
344 membership fee, or otherwise paid to access the facility containing the relevant  
345 privacy space; or  
346           (iii) accessible to a student of an institution of higher education described in Section  
347 52B-2-101, either freely or as described in Subsection (6)(a)(ii).
- 348 (b) "Open to the general public" does not include a privacy space that is:  
349           (i) only accessible to employees of a government entity; or  
350           (ii) any area that is not normally accessible to the public.
- 351 (7) "Privacy space" means a restroom or changing room within a publicly owned or  
352 controlled facility, where an individual has a reasonable expectation of privacy.
- 353 (8) "Publicly owned or controlled" means that a government entity has at least a partial  
354 ownership interest in or has control of a facility, program, or event.
- 355 (9)(a) "Restroom" means any space that includes a toilet.
- 356 (b) "Restroom" includes:  
357           (i) sex-designated men's restrooms;  
358           (ii) sex-designated women's restrooms;  
359           (iii) unisex restrooms; and  
360           (iv) single-occupant restrooms.
- 361 (10) "Sex-designated" means that a facility, program, or event is designated specifically for  
362 males or females and not the opposite sex.
- 363 (11) "Single-occupant" means, in relation to a single-occupant facility or privacy space, that  
364 the facility or privacy space:  
365           (a) has floor-to-ceiling walls;  
366           (b) has an entirely encased and locking door; and  
367           (c) is designated for single occupancy.
- 368 (12) "Unisex" means, in relation to a unisex facility or privacy space, that the facility or  
369 privacy space:

370 (a) is designated for the use of both sexes; or

371 (b) is not sex-designated.

372 (13) "Women's restroom" means a restroom that is designated for the exclusive use of  
373 females and not males.

374 Section 6. Section **63G-31-201** is amended to read:

375 **63G-31-201 . Distinctions on the basis of sex.**

376 (1) A government entity may not, on the basis of sex, exclude an individual from  
377 participation in, deny an individual from the benefits of, or subject an individual to a  
378 sex-based distinction in or under any government or otherwise publicly owned or  
379 controlled facility, program, or event, unless the distinction is substantially related to an  
380 important government objective.

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

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

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

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

388 (ii) the individual is not female.

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

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

393 (ii) the individual is not male.

394 (4) ~~[Notwithstanding]~~ Subsections (1) through (3) ~~[, this chapter does]~~ and Subsection  
395 63G-31-204(4) do not apply to:

396 (a) a determination of the School Activity Eligibility Commission, created in Section  
397 53G-6-1003, regarding a student's athletic eligibility; or

398 (b) ~~[in the context of]~~ the participation of a student ~~[who]~~ , if the student has obtained the  
399 eligibility approval of the commission under Subsection 53G-6-1004(2) ~~[to participate]~~ ,  
400 in a gender-designated interscholastic activity that does not correspond with the sex  
401 designation on the student's birth certificate, as those terms are defined in Section  
402 53G-6-1001.

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

404 **63G-31-202 . Sex-based distinctions to protect individual privacy.**

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

- 408 (1) a privacy space;~~and~~  
409 (2) a correctional facility as defined in Section 77-16b-102~~[-]~~ ; and  
410 (3) multi-occupancy sex-designated publicly owned dwellings.

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

412 **63G-31-301 . Sex-designated privacy spaces in public schools.**

- 413 (1) To preserve the individual privacy of male and female students in the public education  
414 system, a student may only access an operational sex-designated privacy space within a  
415 public school that is designated for student use if the student's sex corresponds with the  
416 sex designation of the privacy space.
- 417 (2) For a student who makes a request to use a privacy space other than the sex-designated  
418 privacy space that corresponds with the student's sex because of the student's gender  
419 identity, as defined in Section 34A-5-102, or reasonable fear of bullying, the local  
420 education agency, as defined in Section 53E-1-102, shall coordinate with the student's  
421 parent or legal guardian to develop a privacy plan that provides the student with:
- 422 (a)(i) reasonable access to a unisex or single-occupant facility; or  
423 (ii) reasonable access to a faculty or staff restroom; or  
424 (b) if the access described in Subsection (2)(a) is unavailable, reasonable access to  
425 private use of an otherwise sex-designated privacy space through staggered  
426 scheduling or another policy provision that provides for temporary private access.
- 427 (3) An LEA satisfies the LEA's duties regarding student use of a privacy space under this  
428 chapter if the LEA:
- 429 (a) gives notice to students of the provisions of this section;  
430 (b) takes administrative action to address violations of and promote compliance with this  
431 section; and  
432 (c) develops a privacy plan in accordance with Subsection (2).
- 433 (4) An individual may use~~[ the following evidence]~~ , as a defense to an allegation that the  
434 student is not eligible to access and use a sex-designated privacy space under Subsection  
435 (1)~~[-]~~ ,  
436 ~~[(a)]~~ the student's unamended birth certificate that corresponds with the sex designation of  
437 privacy space, which may be supported with a review of any amendment history obtained

438 under Section 26B-8-125[; or] .  
 439 [~~(b) documentation of a medical treatment or procedure that is consistent only with the sex~~  
 440 ~~designation of the privacy space.]~~

441 (5) Subsection (1) does not apply to:

- 442 (a) a unisex or single-occupant facility; or
- 443 (b) an intersex individual.

444 Section 9. Section **63G-31-302** is amended to read:

445 **63G-31-302 . Sex-designated changing rooms in publicly owned facilities open to**  
 446 **the general public.**

447 (1)(a) Except as provided in Subsection (1)(b), to preserve the individual privacy of  
 448 males and females, an individual may only access an operational sex-designated  
 449 changing room in a government entity's facility that is open to the general public if:

- 450 (i) the individual's sex corresponds with the sex designation of the changing room; or
- 451 (ii) the individual has:
  - 452 (A) legally amended the individual's birth certificate to correspond with the sex
  - 453 designation of the changing room, which may be supported with a review of
  - 454 any amendment history obtained under Section 26B-8-125; and
  - 455 (B) undergone a primary sex characteristic surgical procedure as defined in
  - 456 Section 58-67-102 to correspond with the sex designation of the changing
  - 457 room.

458 (b) Subsection (1)(a) does not apply to:

- 459 (i) a minor child who requires assistance to access or use the changing room that
- 460 corresponds with the sex of the minor's parent, guardian, or relative;
- 461 (ii) a dependent minor, as defined in Section 76-5-110, or a dependent adult, as
- 462 defined in Section 76-5-111 who requires assistance to access or use the changing
- 463 room that corresponds with the sex of a caretaker;
- 464 (iii) an individual providing public safety services, including law enforcement,
- 465 emergency medical services as defined in Section 26B-4-101, and fire protection;
- 466 (iv) an employee of a health care facility, as defined in Section 26B-2-201, to provide
- 467 health care services to a patient of the health care facility; or
- 468 (v) an individual whose employment duties include the maintenance or cleaning of
- 469 the changing room.

470 (2) An individual in a changing room has a reasonable expectation of privacy, satisfying the  
 471 privacy element of the offense of voyeurism in Section 76-9-702.7.

- 472 (3) An individual who knowingly enters a changing room in violation of Subsection (1)  
 473 commits the offense of criminal trespass under Section 76-6-206 if the individual enters  
 474 or remains in the changing room under circumstances which a reasonable person would  
 475 expect to likely cause affront or alarm to, on, or in the presence of another individual.
- 476 (4) The surgical provision described in Subsection (1)(a)(ii) does not shield an individual  
 477 from the offense of lewdness related to genitalia under Subsection 76-9-702(3) or  
 478 76-9-702.5(4).
- 479 (5) An individual may use the following evidence as a defense against an allegation that the  
 480 individual is not eligible to access and use a sex-designated changing room under  
 481 Subsection (1):
- 482 (a) for an individual whose birth sex corresponds with the sex designation of the  
 483 changing room[~~;~~],  
 484 [(~~+~~)] an individual's unamended birth certificate that corresponds with the sex designation of  
 485 the changing room, which may be supported with a review of any amendment history  
 486 obtained under Section 26B-8-125; or  
 487 [~~(ii) documentation of a medical treatment or procedure that is consistent only with the sex~~  
 488 ~~designation of the changing room; or]~~
- 489 (b) for an individual whose birth sex does not correspond with the sex designation of the  
 490 changing room:
- 491 (i) the individual's amended birth certificate, which may be supported with a review  
 492 of any amendment history obtained under Section 26B-8-125; and  
 493 (ii) documentation that demonstrates that the individual has undergone a primary sex  
 494 characteristic surgical procedure as defined in Section 58-67-102.
- 495 (6) Subsection (1) does not apply to:
- 496 (a) a unisex or single-occupant facility;  
 497 (b) a changing room that is not open to the general public; or  
 498 (c) an intersex individual.

499 Section 10. Section **63G-31-304** is amended to read:

500 **63G-31-304 . Government entity facility compliance.**

- 501 (1) Except as provided under Section 53G-8-211, a government entity shall contact law  
 502 enforcement if the entity receives a complaint or allegation regarding the following  
 503 within a privacy space in a facility that is open to the general public:
- 504 (a) an offense of lewdness under Section 76-9-702;  
 505 (b) an offense of lewdness involving a child under Section 76-9-702.5;

- 506 (c) voyeurism under Section 76-9-702.7;
- 507 (d) loitering in a privacy space under Section 76-9-702.8; or
- 508 (e) for a changing room described in Section 63G-31-302, an offense of criminal
- 509 trespass under Subsection 63G-31-302(2).
- 510 (2) To preserve the individual privacy of males and females in privacy spaces:
- 511 (a) a government entity that has administrative control over access to a given facility
- 512 with a privacy space that is open to the general public shall adopt a privacy
- 513 compliance plan to address compliance with the government entity's duties under this
- 514 chapter;
- 515 (b) for construction of a new facility~~[, a]~~ with a privacy space that is open to the general
- 516 public, the government entity that has authority over construction or remodeling of
- 517 the facility shall ensure that the new construction includes a single-occupant facility;
- 518 and
- 519 (c) for existing privacy spaces, ~~[a]~~ the government entity that has authority over
- 520 construction or remodeling of the facility that contains the privacy space:
- 521 (i) shall consider the feasibility of retrofitting or remodeling to include:
- 522 (A) floor-to-ceiling walls and doors or similar privacy protections;
- 523 (B) curtains; or
- 524 (C) other methods of improving individual privacy within the facility that are
- 525 comparable to the methods described in Subsections (2)(a)(i) and (ii); and
- 526 (ii) may reduce the number of fixtures that state law requires by up to 20% to provide
- 527 adequate space for the retrofitting or remodeling described in Subsection (2)(a).
- 528 (3) ~~[A]~~ The government entity with authority regarding the design of a facility with a
- 529 privacy space that is open to the general public shall ensure sufficient sex-designated
- 530 privacy spaces through compliance with Sections 15A-3-112 and 15A-3-304 regarding
- 531 unisex facilities.

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

533 **63G-31-305 . Higher education student housing.**

534 (1) As used in this section:

- 535 (a) "Degree-granting institution" means the same as that term is defined in Section
- 536 53B-1-101.5.
- 537 (b) "Dwelling unit" means the same as that term is defined in Section 15A-5-102.
- 538 (c) "Student housing" means housing that a degree-granting institution publicly owns or
- 539 controls.



- 540 (2) Except as provided in Subsection (1)(b), to preserve the individual privacy of males and  
541 females, a degree-granting institution that provides student housing may only rent to,  
542 assign, or otherwise place an individual in a dwelling unit that is sex-designated within  
543 the institution's student housing if:
- 544 (a) the individual's sex corresponds with the sex designation of the dwelling unit within  
545 the institution's student housing; or
- 546 (b) the individual has:
- 547 (i) legally amended the individual's birth certificate to correspond with the sex  
548 designation of the dwelling unit within the institution's student housing, which  
549 may be supported with a review of any amendment history obtained under Section  
550 26B-8-125; and
- 551 (ii) undergone a primary sex characteristic surgical procedure as defined in Section  
552 58-67-102 to correspond with the sex designation of the dwelling unit within the  
553 institution's student housing.
- 554 (3) An individual may use the following evidence as a defense against an allegation that the  
555 individual is not eligible for renting, assignment, or placement in a sex-designated  
556 dwelling unit under Subsection (2):
- 557 (a) for an individual whose birth sex corresponds with the sex designation of the  
558 dwelling unit, an individual's unamended birth certificate that corresponds with the  
559 sex designation of the dwelling unit, which may be supported with a review of any  
560 amendment history obtained under Section 26B-8-125; or
- 561 (b) for an individual whose birth sex does not correspond with the sex designation of the  
562 dwelling unit:
- 563 (i) the individual's amended birth certificate, which may be supported with a review  
564 of any amendment history obtained under Section 26B-8-125; and
- 565 (ii) documentation that demonstrates that the individual has undergone a primary sex  
566 characteristic surgical procedure as defined in Section 58-67-102.
- 567 (4) Subsection (2) does not apply to:
- 568 (a) dwelling units within student housing that the institution designates as unisex or  
569 single-occupant; or
- 570 (b) an intersex individual.
- 571 (5) Nothing in this section prohibits a degree-granting institution from offering a dwelling  
572 unit in student housing that is not sex-designated if the institution only places an  
573 individual in the dwelling unit who seeks a dwelling unit that is not sex-designated.

574 Section 12. **Effective Date.**

575 This bill takes effect on May 7, 2025.