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Student Privacy Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor:

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LONG TITLE**General Description:**

This bill amends provisions related to student privacy in public schools.

Highlighted Provisions:

This bill:

- defines "multiuser unisex restroom";

- makes technical changes;

- allows the inclusion of a multiuser unisex restroom to satisfy a government entity's obligations to certain classes of individuals; and

- allows government entities to construct new multiuser unisex restrooms to preserve individual privacy.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

63G-31-101, as enacted by Laws of Utah 2024, Chapter 2

63G-31-301, as enacted by Laws of Utah 2024, Chapter 2

63G-31-303, as enacted by Laws of Utah 2024, Chapter 2

63G-31-304, as enacted by Laws of Utah 2024, Chapter 2

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

Section 1. Section **63G-31-101** is amended to read:

63G-31-101 . Definitions.

As used in this chapter:

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

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- 31 (b) "Changing room" includes:
- 32 (i) a dressing room, fitting room, locker room, or shower room; and
- 33 (ii) a restroom when a changing room contains or is attached to the restroom.
- 34 (2)(a) "Facility" means a publicly owned or controlled building, structure, or other
- 35 improvement.
- 36 (b) "Facility" includes a subset of a publicly owned or controlled building, structure, or
- 37 other improvement, including a restroom or locker room.
- 38 (3) "Government entity" means:
- 39 (a) the state; or
- 40 (b) any county, municipality, special district, special service district, or other political
- 41 subdivision or administrative unit of the state, including:
- 42 (i) a state institution of higher education as defined in Section 53B-2-101; or
- 43 (ii) a local education agency as defined in Section 53G-7-401.
- 44 (4) "Intersex individual" means the same as that term is defined in Section 26B-8-101.
- 45 (5) "Men's restroom" means a restroom that is designated for the exclusive use of males and
- 46 not females.
- 47 (6) "Multiuser unisex restroom" means a restroom that:
- 48 (a)(i) is designated for the use of both sexes; or
- 49 (ii) is not sex-designated; and
- 50 (b) includes:
- 51 (i) individual, enclosed rooms containing one toilet, floor-to-ceiling walls and doors;
- 52 and
- 53 (ii) a shared handwashing area that is visible from the entrance of the restroom.
- 54 [(6)] (7)(a) "Open to the general public" means that a privacy space is:
- 55 (i) freely accessible to a member of the general public;
- 56 (ii) accessible to an individual who has purchased a ticket, paid an entry fee, paid a
- 57 membership fee, or otherwise paid to access the facility containing the relevant
- 58 privacy space; or
- 59 (iii) accessible to a student of an institution of higher education described in Section
- 60 52B-2-101, either freely or as described in Subsection [(6)(a)(ii)] (7)(a)(ii).
- 61 (b) "Open to the general public" does not include a privacy space that is:
- 62 (i) only accessible to employees of a government entity; or
- 63 (ii) any area that is not normally accessible to the public.
- 64 [(7)] (8) "Privacy space" means a restroom or changing room within a publicly owned or

- 65 controlled facility, where an individual has a reasonable expectation of privacy.
- 66 ~~[(8)]~~ (9) "Publicly owned or controlled" means that a government entity has at least a partial
67 ownership interest in or has control of a facility, program, or event.
- 68 ~~[(9)]~~ (10)(a) "Restroom" means any space that includes a toilet.
- 69 (b) "Restroom" includes:
- 70 (i) sex-designated men's restrooms;
- 71 (ii) sex-designated women's restrooms;
- 72 (iii) unisex restrooms;
- 73 ~~(iv)~~ multiuser unisex restrooms; and
- 74 ~~[(iv)]~~ (v) single-occupant restrooms.
- 75 ~~[(10)]~~ (11) "Sex-designated" means that a facility, program, or event is designated
76 specifically for males or females and not the opposite sex.
- 77 ~~[(11)]~~ (12) "Single-occupant" means, in relation to a single-occupant facility or privacy
78 space, that the facility or privacy space:
- 79 (a) has floor-to-ceiling walls;
- 80 (b) has an entirely encased and locking door; and
- 81 (c) is designated for single occupancy.
- 82 ~~[(12)]~~ (13) "Unisex" means, in relation to a unisex facility or privacy space, that the facility
83 or privacy space:
- 84 (a) is designated for the use of both sexes; or
- 85 (b) is not sex-designated.
- 86 ~~[(13)]~~ (14) "Women's restroom" means a restroom that is designated for the exclusive use of
87 females and not males.
- 88 Section 2. Section **63G-31-301** is amended to read:
- 89 **63G-31-301 . Sex-designated privacy spaces in public schools.**
- 90 (1) To preserve the individual privacy of male and female students in the public education
91 system, a student may only access an operational sex-designated privacy space within a
92 public school that is designated for student use if the student's sex corresponds with the
93 sex designation of the privacy space.
- 94 (2) For a student who makes a request to use a privacy space other than the sex-designated
95 privacy space that corresponds with the student's sex because of the student's gender
96 identity, as defined in Section 34A-5-102, or reasonable fear of bullying, the local
97 education agency, as defined in Section 53E-1-102, shall coordinate with the student's
98 parent or legal guardian to develop a privacy plan that provides the student with:

- 99 (a)(i) reasonable access to a unisex or single-occupant facility;[~~or~~]
 100 (ii) reasonable access to a faculty or staff restroom; or
 101 (iii) reasonable access to a multiuser unisex restroom for middle and high school
 102 students; or
- 103 (b) if the access described in Subsection (2)(a) is unavailable, reasonable access to
 104 private use of an otherwise sex-designated privacy space through staggered
 105 scheduling or another policy provision that provides for temporary private access.
- 106 (3) An LEA satisfies the LEA's duties regarding student use of a privacy space under this
 107 chapter if the LEA:
 108 (a) gives notice to students of the provisions of this section;
 109 (b) takes administrative action to address violations of and promote compliance with this
 110 section; and
 111 (c) develops a privacy plan in accordance with Subsection (2).
- 112 (4) An individual may use the following evidence as a defense to an allegation that the
 113 student is not eligible to access and use a sex-designated privacy space under Subsection
 114 (1):
 115 (a) the student's unamended birth certificate that corresponds with the sex designation of
 116 privacy space, which may be supported with a review of any amendment history
 117 obtained under Section 26B-8-125; or
 118 (b) documentation of a medical treatment or procedure that is consistent only with the
 119 sex designation of the privacy space.
- 120 (5) Subsection (1) does not apply to:
 121 (a) a unisex or single-occupant facility; or
 122 (b) an intersex individual.

123 Section 3. Section **63G-31-303** is amended to read:

124 **63G-31-303 . Unisex or single-occupant facilities.**

125 The availability of a unisex facility, multiuser unisex restroom, or single-occupant
 126 facility satisfies a government entity's obligations regarding an individual who, because of the
 127 individual's gender identity, as defined in Section 34A-5-102, or reasonable fear of bullying, is
 128 uncomfortable using:

- 129 (1) for a student, a privacy space in accordance with Section 63G-31-301; or
 130 (2) a changing room in accordance with Section 63G-31-302.

131 Section 4. Section **63G-31-304** is amended to read:

132 **63G-31-304 . Government entity facility compliance.**

- 133 (1) Except as provided under Section 53G-8-211, a government entity shall contact law
134 enforcement if the entity receives a complaint or allegation regarding the following
135 within a privacy space in a facility that is open to the general public:
- 136 (a) an offense of lewdness under Section 76-9-702;
 - 137 (b) an offense of lewdness involving a child under Section 76-9-702.5;
 - 138 (c) voyeurism under Section 76-9-702.7;
 - 139 (d) loitering in a privacy space under Section 76-9-702.8; or
 - 140 (e) for a changing room described in Section 63G-31-302, an offense of criminal
141 trespass under Subsection 63G-31-302(2).
- 142 (2) To preserve the individual privacy of males and females in privacy spaces:
- 143 (a) a government entity shall adopt a privacy compliance plan to address compliance
144 with the government entity's duties under this chapter;
 - 145 (b) for construction of a new facility, a government entity shall ensure that the new
146 construction includes:
 - 147 (i) ~~[-] a single-occupant facility; or~~
 - 148 (ii) ~~[-] a multiuser unisex restroom; and~~
 - 149 (c) for existing privacy spaces, a government entity:
 - 150 (i) shall consider the feasibility of retrofitting or remodeling to include:
 - 151 (A) floor-to-ceiling walls and doors or similar privacy protections;
 - 152 (B) curtains; or
 - 153 (C) other methods of improving individual privacy within the facility that are
154 comparable to the methods described in [~~Subsections (2)(a)(i) and (ii)] this
155 Subsection (2)(c)(i); and~~
 - 156 (ii) may reduce the number of fixtures that state law requires by up to 20% to provide
157 adequate space for the retrofitting or remodeling described in Subsection [~~(2)(a)~~
158 ~~(2)(c)(i)~~].
- 159 (3) A government entity shall ensure sufficient sex-designated privacy spaces through
160 compliance with Sections 15A-3-112 and 15A-3-304 regarding unisex facilities.

161 **Section 5. Effective Date.**

162 This bill takes effect on July 1, 2025.