

**Effective 1/30/2024**

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

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

- (ii) documentation that demonstrates that the individual has undergone a primary sex characteristic surgical procedure as defined in Section 58-67-102.
- (6) Subsection (1) does not apply to:
- (a) a unisex or single-occupant facility;
  - (b) a changing room that is not open to the general public; or
  - (c) an intersex individual.