

H.B. 257

PRIVACY EXPECTATIONS AMENDMENTS

Representative **Kera Birkeland** proposes the following amendments:

1. *Page 1, Lines 23 through 24:*

- 23 ▶ requires local education agencies to establish a privacy plan with parents and
24 students in certain cases to address gender identity and fear of bullying;
 ▶ provides indemnification for government entities for certain claims;

2. *Page 8, Line 229:*

(4) (a) "Open to the general public" means that a privacy space is:

(i) freely accessible to a member of the general public;

(ii) accessible to an individual who has purchased a ticket, paid an entry fee, paid a membership fee, or otherwise paid to access the facility containing the relevant privacy space; or

(iii) accessible to a student of an institution of higher education described in Section 52B-2-101, either freely or as described in Subsection (4)(a)(ii).

(b) "Open to the general public" does not include a privacy space that is:

(i) only accessible to employees of a government entity; or

(ii) any area that is not normally accessible to the public.

229 {~~(4)~~} (5) "Privacy space" means the following spaces in which an individual has an

3. *Page 8, Line 235:*

235 {~~(5)~~} (6) "Publicly funded or publicly owned" means that:

4. *Page 8, Line 240 through Page 9, Line 242:*

240 {~~(6)~~} (7) "Sex-designated" means that a facility, program, or event is designated specifically
241 for males or females and not the opposite sex.

242 {~~(7)~~} (8) "Single-occupant facility" means a restroom facility or locker room facility:

5. *Page 9, Line 246:*

246 {~~(8)~~} (9) "Unisex facility" means a facility that:

6. *Page 10, Line 290:*

290 The following actions within the public education system constitute a violation of Section
63G-31-201:

7. Page 14, Lines 407 through 410:

407 63G-31-401. Enforcement **-- Indemnification** .

408 (1) The attorney general may enforce this chapter against any government entity in
409 violation of this chapter by imposing a fine of up to \$10,000 per violation per day.

410 (2) The attorney general shall deposit fines under Subsection (1) into the General Fund.

(3) The state shall defend, indemnify, and hold harmless a government entity acting under color of state law to enforce this chapter for any claims or damages, including court costs and attorney fees, that:

(a) arise as a result of this chapter; and

(b) are not covered by the government entity's insurance policies or any coverage agreement that the State Risk Management Fund issues.