

### 3rd Sub. H.B. 257

## SEX-BASED DESIGNATIONS FOR PRIVACY, ANTI-BULLYING, AND WOMEN'S OPPORTUNITIES

SENATE FLOOR AMENDMENTS

AMENDMENT 2

JANUARY 25, 2024 11:54 AM

Senator **Jen Plumb** proposes the following amendments:

1. Page 12, Line 352 through Page 13, Line 375:

352 63G-31-301. Sex-designated {~~privacy spaces~~} changing rooms in public schools.

353 (1) To preserve the individual privacy of male and female students in the public

354 education system, a student may only access an operational sex-designated {~~privacy space~~} changing  
room

355 within a public school that is designated for student use if the student's sex corresponds with

356 the sex designation of the {~~privacy space~~} changing room .

357 (2) For a student who makes a request to use a {~~privacy space~~} changing room other than the  
358 sex-designated {~~privacy space~~} changing room that corresponds with the student's sex because of  
359 the student's

359 gender identity, as defined in Section 34A-5-102, or reasonable fear of bullying, the local

360 education agency, as defined in Section 53E-1-102, shall coordinate with the student's parent or

361 legal guardian to develop a privacy plan that provides the student with:

362 (a) (i) reasonable access to a unisex or single-occupant facility; or

363 (ii) reasonable access to a faculty or staff {~~restroom~~} changing room ; or

364 (b) if the access described in Subsection (2)(a) is unavailable, reasonable access to

365 private use of an otherwise sex-designated {~~privacy space~~} changing room through staggered  
366 scheduling or

366 another policy provision that provides for temporary private access.

367 (3) A student in a {~~privacy space~~} changing room has a reasonable expectation of privacy,  
368 satisfying the

368 privacy element of the offense of voyeurism in Section 76-9-702.7.

369 (4) An individual may use the following evidence as a defense to an allegation that the

370 student is not eligible to access and use a sex-designated {~~privacy space~~} changing room under  
371 Subsection (1):

371 (a) the student's unamended birth certificate that corresponds with the sex designation

372 of {~~privacy space~~} the changing room , which may be supported with a review of any amendment  
373 history obtained

373 under Section 26B-8-125; or

374 (b) documentation of a medical treatment or procedure that is consistent only with the

375 sex designation of the {~~privacy space~~} changing room .

