

SECOND REGULAR SESSION

HOUSE BILL NO. 1674

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MATTHIESEN.

3076H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 213, RSMo, by adding thereto one new section relating to employee restroom access, with penalty provisions and a delayed effective date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 213, RSMo, is amended by adding thereto one new section, to be
2 known as section 213.200, to read as follows:

**213.200. 1. This section shall be known and may be cited as the "Employee
2 Restroom and Locker Room Access Act".**

**3 2. Notwithstanding any provision of law to the contrary contained in chapter
4 213, and except as otherwise provided under this section, the employee restroom and
5 locker room access act shall not be construed to apply to any other provision under this
6 chapter or construed to bar or limit any other action under any other provision of this
7 chapter.**

8 3. As used in this section, the following terms mean:

**9 (1) "Employee", any person performing work or service of any kind or
10 character for an employer within the state of Missouri, regardless of whether the
11 employee is paid or unpaid;**

**12 (2) "Employer", any person or entity employing one or more employees within
13 the state of Missouri, including a public employer as defined under section 285.525;**

**14 (3) "Gender identity", a person's internal sense of self as male, female, neither,
15 both, or somewhere along the gender spectrum;**

**16 (4) "Hostile work environment", a workplace in which unwelcome conduct of a
17 sexual nature or conduct based on gender identity or sexual orientation is sufficiently**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 severe or pervasive to unreasonably interfere with an employee's work performance or
19 create an intimidating, hostile, or offensive work environment;

20 (5) "Locker room", any facility used for the purpose of changing clothes or
21 storing personal belongings. The term may include, but is not limited to, changing area,
22 changing room, or shower room;

23 (6) "Multiple-occupancy restroom or changing area", an area in a place of
24 employment designed or designated to be used by more than one individual at a time,
25 where individuals may be in various stages of undress in the presence of other
26 individuals. The term may include, but is not limited to, a restroom, locker room,
27 changing room, or shower room;

28 (7) "Restroom", any facility maintained within or on the premises of any place
29 of employment, containing a sink and toilet facilities for use by employees for the
30 purpose of urination or defecation. The term may include, but is not limited to, a
31 multiple-occupancy restroom, single-occupancy restroom, unisex restroom, or gender-
32 neutral restroom;

33 (8) "Sex", the physical condition of being male or female based on genetics and
34 physiology, as identified on the individual's original birth certificate.

35 4. (1) The general assembly hereby finds the following:

36 (a) Requiring employees to share restroom or locker room facilities with
37 members of the opposite sex can create a hostile work environment; and

38 (b) It is in the public interest to ensure that all employees have access to
39 restroom and locker room facilities that correspond to his or her biological sex.

40 (2) The general assembly hereby declares that it is the public policy of this state
41 to prohibit employers from requiring employees to share multiple-occupancy restrooms
42 or changing areas or locker room facilities with members of the opposite sex.

43 5. No employer shall require an employee to share a restroom or locker room
44 facility with a member of the opposite sex.

45 6. An employer may provide single-occupancy restrooms or locker room
46 facilities that are designated as unisex.

47 7. An employer may also provide gender-neutral restrooms or locker room
48 facilities that are open to all employees regardless of gender identity in addition to
49 facilities that are designated for single-sex use.

50 8. It shall be an unlawful employment practice for any person or entity to
51 discriminate against any individual on the basis of sex in the use of employee restrooms.

52 9. A medical exception to this section shall apply to an employee who has
53 completed a full medical procedure to change his or her sex and he or she may use the

54 restroom that corresponds to his or her gender identity, regardless of whether the
55 employee's birth certificate reflects the employee's gender identity after transition.

56 **10. A general exception to this section shall apply to any employee who requires**
57 **and requests assistance for using the restroom or locker room facilities and to any**
58 **employee who provides assistance in the proper use of such facilities.**

59 **11. The Missouri commission on human rights shall enforce the provisions of this**
60 **section. Any employee who believes that his or her employer has violated this section**
61 **may file a complaint with the commission and proceed under the provisions of sections**
62 **213.075 and 213.085. If the commission finds that an employer has violated this section,**
63 **the commission may order the employer to take corrective action, including:**

64 **(1) Paying the employee damages for the harm suffered due to the violation of**
65 **this section;**

66 **(2) Reinstating the employee to his or her job or position if he or she had been**
67 **fired or demoted; or**

68 **(3) Providing other equitable relief.**

69 **12. Any person or entity who willfully violates this section shall be guilty of a**
70 **misdemeanor and, upon conviction thereof, shall be liable for a civil penalty of not more**
71 **than two hundred fifty dollars for each violation.**

72 **13. If any provision of this section or its application to any person or**
73 **circumstance is held invalid, such determination shall not affect the provisions or**
74 **applications of this section that may be given effect without the invalid provision or**
75 **application, and to that end the provisions of this section are severable.**

Section B. The enactment of section 213.200 of this act shall become effective on
2 January 1, 2025.

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