

SECOND REGULAR SESSION

HOUSE BILL NO. 2075

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PHELPS.

4434H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapters 8, 171, and 173, RSMo, by adding thereto three new sections relating to single-sex access to certain facilities.

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

Section A. Chapters 8, 171, and 173, RSMo, are amended by adding thereto three
2 new sections, to be known as sections 8.1000, 171.422, and 173.1422, to read as follows:

8.1000. 1. As used in this section, the following terms mean:

2 **(1) "Biological sex", as such term is defined in section 191.1720;**

3 **(2) "Family facility", a family restroom or shower room that does not have more**
4 **than one toilet or shower;**

5 **(3) "Gender", as such term is defined in section 191.1720;**

6 **(4) "Multi-occupancy facility", a restroom, locker room, changing room, or**
7 **shower room that is accessible to multiple individuals at the same time. "Multi-**
8 **occupancy facility" shall not include a family facility;**

9 **(5) "Public building", any building owned by the state or any department,**
10 **division, agency, or commission thereof, and any building operated by an entity that**
11 **receives state funds;**

12 **(6) "Single-occupancy facility", a restroom, locker room, changing room, or**
13 **shower room that is accessible only to a single individual at the same time. "Single-**
14 **occupancy facility" may include a family facility.**

15 **2. (1) An entity operating a public building shall designate with clear signage**
16 **each multi-occupancy facility that is accessible by multiple persons at the same time for**

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.

17 the exclusive use of persons of the male biological sex only or for the exclusive use of
18 persons of the female biological sex only.

19 (2) An entity operating a public building shall not permit a member of the
20 female biological sex to use a multi-occupancy facility that has been designated by the
21 public building for the exclusive use of persons of the male biological sex only.

22 (3) An entity operating a public building shall not permit a member of the male
23 biological sex to use a multi-occupancy facility that has been designated by the public
24 building for the exclusive use of persons of the female biological sex only.

25 (4) An entity operating a public building shall not construct, establish, or
26 maintain a multi-occupancy facility that is designated for the use of persons of a gender
27 or genders instead of, or in addition to, being designated for the exclusive use of persons
28 of the male biological sex only or for the exclusive use of persons of the female biological
29 sex only. This subdivision shall not be construed to prohibit an entity operating a public
30 building from constructing, establishing, or maintaining a family facility.

31 (5) An entity operating a public building may designate a single-occupancy
32 facility as accessible to a person of either biological sex.

33 3. This section shall not be construed to prohibit an entity operating a public
34 building from adopting and enforcing a policy on the use of a multi-occupancy facility in
35 accordance with the provisions of this section. Any such policy shall provide an option
36 for alternative accommodations, including, but not limited to, the use of single-
37 occupancy facilities, upon the request of a person due to special circumstances.

38 4. Subsection 2 of this section shall not apply to any of the following:

39 (1) A child under ten years of age who is being assisted by a parent, legal
40 guardian, or family member, as well as the parent, legal guardian, or family member
41 who is assisting such child;

42 (2) A person with a disability who is being assisted by another person, as well as
43 the person assisting such person with a disability;

44 (3) An employee of any department, division, agency, or commission of the state
45 whose job duties require the employee to enter a multi-occupancy facility that is
46 designated for a biological sex that differs from such employee's biological sex; or

47 (4) A person who enters a multi-occupancy facility that is designated for a
48 biological sex that differs from the person's biological sex because the person reasonably
49 believes he or she is responding to a legitimate emergency.

50 5. Failure to comply with the provisions of this section shall result in revocation
51 or withholding of state funding for the entity that operates the public building.

171.422. 1. As used in this section, the following terms mean:

2 (1) "Biological sex", as such term is defined in section 191.1720;

3 (2) "Family facility", a family restroom or shower room that does not have more
4 than one toilet or shower;

5 (3) "Gender", as such term is defined in section 191.1720;

6 (4) "Multi-occupancy facility", a restroom, locker room, changing room, or
7 shower room that is accessible to multiple individuals at the same time. "Multi-
8 occupancy facility" shall not include a family facility;

9 (5) "School", includes the following:

10 (a) Any charter school established pursuant to the provisions of sections 160.400
11 to 160.425;

12 (b) Any public school, as such term is defined in section 160.011; and

13 (c) Any school district, as such term is defined in section 160.011;

14 (6) "Single-occupancy facility", a restroom, locker room, changing room, or
15 shower room that is accessible only to a single individual at the same time. "Single-
16 occupancy facility" may include a family facility.

17 2. (1) A school shall designate with clear signage each multi-occupancy facility
18 that is accessible by multiple students at the same time, whether located in a school
19 building or in a facility used by the school for a school-sponsored activity, for the
20 exclusive use of students of the male biological sex only or for the exclusive use of
21 students of the female biological sex only.

22 (2) A school shall not permit a member of the female biological sex to use a
23 multi-occupancy facility that has been designated by the school for the exclusive use of
24 students of the male biological sex only.

25 (3) A school shall not permit a member of the male biological sex to use a multi-
26 occupancy facility that has been designated by the school for the exclusive use of
27 students of the female biological sex only.

28 (4) A school shall not construct, establish, or maintain a multi-occupancy facility
29 that is designated for the use of students of a gender or genders instead of, or in addition
30 to, being designated for the exclusive use of students of the male biological sex only or
31 for the exclusive use of students of the female biological sex only. This subdivision shall
32 not be construed to prohibit a school from constructing, establishing, or maintaining a
33 family facility.

34 (5) A school may designate a single-occupancy facility as accessible to a person of
35 either biological sex.

36 3. (1) A school shall not permit a member of the female biological sex to share
37 overnight accommodations with a member of the male biological sex in any setting
38 where students are required to stay overnight, including, but not limited to, any school
39 trip.

40 (2) A school shall not permit a member of the male biological sex to share
41 overnight accommodations with a member of the female biological sex in any setting
42 where students are required to stay overnight, including, but not limited to, any school
43 trip.

44 4. This section shall not be construed to prohibit a school from adopting and
45 enforcing a policy on the use of a multi-occupancy facility in accordance with the
46 provisions of this section. Any such policy shall provide an option for alternative
47 accommodations, including, but not limited to, the use of single-occupancy facilities or
48 faculty facilities, upon the request of a student due to special circumstances.

49 5. Subsections 2 and 3 of this section shall not apply to any of the following:

50 (1) A child under ten years of age who is being assisted by a parent, legal
51 guardian, or family member, as well as the parent, legal guardian, or family member
52 who is assisting such child;

53 (2) A person with a disability who is being assisted by another person, as well as
54 the person assisting such person with a disability;

55 (3) An employee of a school whose job duties require the employee to enter a
56 multi-occupancy facility that is designated for a biological sex that differs from such
57 employee's biological sex; or

58 (4) A person who enters a multi-occupancy facility that is designated for a
59 biological sex that differs from the person's biological sex because the person reasonably
60 believes he or she is responding to a legitimate emergency.

61 6. Failure to comply with the provisions of this section shall result in revocation
62 or withholding of state funding for the school.

173.1422. 1. As used in this section, the following terms mean:

2 (1) "Biological sex", as such term is defined in section 191.1720;

3 (2) "Family facility", a family restroom or shower room that does not have more
4 than one toilet or shower;

5 (3) "Gender", as such term is defined in section 191.1720;

6 (4) "Institution of higher education", any public institution of postsecondary
7 education or proprietary school in this state that is subject to the coordinating board for
8 higher education pursuant to section 173.005;

9 (5) "Multi-occupancy facility", a restroom, locker room, changing room, or
10 shower room that is accessible to multiple individuals at the same time. "Multi-
11 occupancy facility" shall not include a family facility;

12 (6) "Single-occupancy facility", a restroom, locker room, changing room, or
13 shower room that is accessible only to a single individual at the same time. "Single-
14 occupancy facility" may include a family facility.

15 **2. (1) An institution of higher education shall designate with clear signage each**
16 **multi-occupancy facility accessible by multiple students at the same time, whether**
17 **located in a building of the institution or in a facility used by the institution for an**
18 **institution-sponsored activity, for the exclusive use of students of the male biological sex**
19 **only or for the exclusive use of students of the female biological sex only.**

20 **(2) An institution of higher education shall not permit a member of the female**
21 **biological sex to use a multi-occupancy facility that has been designated by the**
22 **institution of higher education for the exclusive use of students of the male biological sex**
23 **only.**

24 **(3) An institution of higher education shall not permit a member of the male**
25 **biological sex to use a multi-occupancy facility that has been designated by the**
26 **institution of higher education for the exclusive use of students of the female biological**
27 **sex only.**

28 **(4) An institution of higher education shall not construct, establish, or maintain**
29 **a multi-occupancy facility that is designated for the use of students of a gender or**
30 **genders instead of, or in addition to, being designated for the exclusive use of students of**
31 **the male biological sex only or for the exclusive use of students of the female biological**
32 **sex only. This subdivision shall not be construed to prohibit an institution of higher**
33 **education from constructing, establishing, or maintaining a family facility.**

34 **(5) An institution of higher education may designate a single-occupancy facility**
35 **as accessible to a person of either biological sex.**

36 **3. This section shall not be construed to prohibit an institution of higher**
37 **education from adopting and enforcing a policy on the use of a multi-occupancy facility**
38 **in accordance with the provisions of this section. Any such policy shall provide an**
39 **option for alternative accommodations, including, but not limited to, the use of single-**
40 **occupancy facilities or faculty facilities, upon the request of a student due to special**
41 **circumstances.**

42 **4. Subsection 2 of this section shall not apply to any of the following:**

43 **(1) A child under ten years of age who is being assisted by a parent, legal**
44 **guardian, or family member, as well as the parent, legal guardian, or family member**
45 **who is assisting such child;**

46 **(2) A person with a disability who is being assisted by another person, as well as**
47 **the person who is assisting such person with a disability;**

48 **(3) An employee of an institution of higher education whose job duties require**
49 **the employee to enter a multi-occupancy facility that is designated for a biological sex**
50 **that differs from such employee's biological sex; or**

51 **(4) A person who enters a multi-occupancy facility that is designated for a**
52 **biological sex that differs from the person's biological sex because the person reasonably**
53 **believes he or she is responding to a legitimate emergency.**

54 **5. Failure to comply with the provisions of this section shall result in revocation**
55 **or withholding of state funding for the institution of higher education.**

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