

HCS HB 2536 -- WOMEN'S PROTECTION

SPONSOR: Laubinger

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Emerging Issues by a vote of 9 to 5.

The following is a summary of the House Committee Substitute for HB 2536.

This bill adds definitions for "female", "male", and "sex" to a Section of existing statutory definitions.

Additionally, the bill provides that a "covered entity", defined to include correctional centers, juvenile detention facilities, public buildings, public elementary and high schools, and state institutions of higher education, is required to designate each multi-occupancy restroom, changing room, and sleeping quarters for the exclusive use of males or females. Every restroom, changing room, or sleeping quarters within a covered entity that is designated for females or males must only be used by members of that sex, with certain exceptions, specified in the bill.

During any activity or event authorized by a school or state institution of higher education where students share sleeping quarters, no student is permitted to share sleeping quarters with a member of the opposite sex, unless such persons are members of the same family. Additionally, in any other facility or setting in a school or state institution of higher education where a person may be in a state of undress in the presence of others, school personnel must provide separate, private areas designated for use by persons based on their sex, and no person is permitted to enter these private areas unless he or she is a member of the designated sex. A state institution of higher education that offers housing for students must provide students the option to be housed only in a single-sex educational housing space with persons of the same sex.

An individual who, while accessing a restroom or changing room designated for use by their sex, encounters a person of the opposite sex in that restroom or changing room has a private cause of action for declaratory and injunctive relief against the covered entity if the covered entity:

(1) Provided the person permission to use a restroom or changing room of the opposite sex; or

(2) Failed to take reasonable steps to prohibit the person of the opposite sex from using the restroom or changing room of the opposite sex.

An individual who is required by the covered entity to share sleeping quarters with a person of the opposite sex has a private cause of action for declaratory and injunctive relief against the covered entity. All civil actions brought pursuant to this section must be initiated within two years after the violation occurred.

Additionally, current law prohibits any student from competing in an athletic competition that is designated for the biological sex opposite to the student's biological sex as stated on the student's official birth certificate or other government record. This provision is set to expire on August 28, 2027; this bill removes that expiration.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPOSERS: Supporters say that Missouri lacks uniform laws to protect women in changing rooms. Allowing males into females spaces where a woman is in a state of undress or is in a vulnerable situation is unsafe. Supporters further state that this bill will create protective measures to prevent things like sexual assault.

Testifying in person for the bill were Representative Laubinger; Issachar LLC; Missouri Catholic Conference; Heritage Action for America; Arnie Dienoff; and Erica O'Connell, Alliance Defending Freedom.

OPPOSERS: Those who oppose the bill say that this will create a hostile environment for trans men and women, and that these provisions will only create more problems for people who just want to use changing facilities. Opponents further state that enforcement of this bill will be nearly impossible, and will only result in further discrimination of women.

Testifying in person against the bill were Amy Sapphire; Ariella Allen; Cammie Storm; Temara Jasmine; Nicholas Tatum, In Tact; Samantha Jones; Scott Hammack; Cory Dewald, Pro Mo; Abortion Action Missouri; Aro Royston; Britney Jolene Hochman; Carla Kreegar; Christine E. Reynolds; Dustin Turpin; Elijah Anthony;

Jennifer Pepper; Katy Erker-Lynch, Promo; Keith L. Brown (Kathleen), Trans Liberation Columbia; Keith Rose, The Center For Growing Justice; Landon (Lana) Patterson; Lexie O'Brien; Mandy Monsees; May Hall; Mordecai Kreegar; Nicholas Tatum, Intact; Reverend Meagan Mclaughlin; Rhiannon Trask; American Civil Liberties Union of Missouri; Stevie Miller; and Suzanne McGinnis.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.