

HCS HB 2536 -- WOMEN'S PROTECTION (Laubinger)

COMMITTEE OF ORIGIN: Standing Committee on Emerging Issues

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.

The provisions of this bill will not apply to an individual who enters a restroom or changing room designated for the opposite sex in the following circumstances:

- (1) To perform custodial, maintenance, or licensed inspection duties;
- (2) To render medical assistance;
- (3) To render assistance by law enforcement;
- (4) To provide aid in a natural disaster, emergency, or to prevent serious threat to order and safety;
- (5) To provide coaching or athletic training during athletic events, if no other space is available for the team; or
- (6) To perform the official duties of a public safety officer.

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.