

IN THE SENATE

SENATE BILL NO. 1016

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO PURCHASING BY POLITICAL SUBDIVISIONS; AMENDING SECTION
2 67-2802A, IDAHO CODE, TO PROVIDE THAT A PUBLIC WORKS CONTRACTOR SHALL
3 NOT BE REQUIRED TO PROVIDE ACCESS TO A MULTIPLE-OCCUPANCY RESTROOM,
4 SHOWER FACILITY, OR CHANGING ROOM ON ANY BASIS OTHER THAN BIOLOGICAL
5 SEX; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
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7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 67-2802A, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 67-2802A. DISCRIMINATION IN PROCUREMENT PROHIBITED. (1) Political
11 subdivisions of the state of Idaho in their procurements governed by this
12 chapter shall not discriminate against, or grant preferential treatment
13 to, any individual or group on the basis of race, sex, color, ethnicity,
14 or national origin unless permitted by an exception described in section
15 67-5909A, Idaho Code.

16 (2) Unless specifically required pursuant to applicable federal law or
17 regulation, no public entity or political subdivision of the state of Idaho
18 shall require a contractor engaged in public works construction governed by
19 this chapter to provide a multiple-occupancy restroom, shower facility, or
20 changing room that is owned by or under the control of the contractor on any
21 basis other than biological sex. For purposes of this subsection, "biolog-
22 ical sex" means the physical condition of being male or female as stated on a
23 person's birth certificate.

24 SECTION 2. An emergency existing therefor, which emergency is hereby
25 declared to exist, this act shall be in full force and effect on and after
26 July 1, 2023.