

IN THE SENATE

SENATE BILL NO. 1003

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 BIDDER, OFFEROR,  
3 CONTRACTOR, OR SUBCONTRACTOR SHALL NOT BE REQUIRED TO PROVIDE ACCESS TO  
4 A MULTIPLE-OCCUPANCY RESTROOM, SHOWER FACILITY, OR CHANGING ROOM ON ANY  
5 BASIS OTHER THAN BIOLOGICAL SEX; AND DECLARING AN EMERGENCY AND PROVID-  
6 ING AN EFFECTIVE DATE.  
7

8 Be It Enacted by the Legislature of the State of Idaho:

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

11 67-2802A. DISCRIMINATION IN PROCUREMENT PROHIBITED. (1) Political  
12 subdivisions of the state of Idaho in their procurements governed by this  
13 chapter shall not discriminate against, or grant preferential treatment  
14 to, any individual or group on the basis of race, sex, color, ethnicity,  
15 or national origin unless permitted by an exception described in section  
16 67-5909A, Idaho Code.

17 (2) Unless specifically required pursuant to applicable federal law or  
18 regulation, a bidder, offeror, contractor, or subcontractor shall not be re-  
19 quired to provide access to a multiple-occupancy restroom, a multiple-oc-  
20 cupancy shower facility, or a multiple-occupancy changing room on any ba-  
21 sis other than biological sex. For purposes of this subsection, "biologi-  
22 cal sex" means the physical condition of being male or female as stated on a  
23 person's birth certificate. A bidder, offeror, contractor, or subcontrac-  
24 tor shall have standing to challenge a violation of the provisions of this  
25 subsection, and such party shall be awarded costs and attorney's fees in the  
26 event that such challenge prevails.

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