

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 49

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO SAFETY AND PRIVACY; AMENDING TITLE 20, IDAHO CODE, BY THE AD-
2 DITION OF A NEW CHAPTER 11, TITLE 20, IDAHO CODE, TO PROVIDE LEGISLA-
3 TIVE PURPOSE, TO DEFINE TERMS, TO ESTABLISH PROVISIONS REGARDING SAFETY
4 AND PRIVACY IN COVERED ENTITIES, AND TO PROVIDE FOR REMEDIES; PROVID-
5 ING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
6 DATE.
7

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

9 SECTION 1. That Title 20, Idaho Code, be, and the same is hereby amended
10 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
11 ter 11, Title 20, Idaho Code, and to read as follows:

12 CHAPTER 11

13 SAFETY AND PRIVACY IN CERTAIN COVERED ENTITIES

14 20-1101. PURPOSE. The purposes of this chapter are:

- 15 (1) To clarify the meaning of sex, male, and female in state law; and
16 (2) To preserve order and dignity in women's restrooms, changing rooms,
17 and sleeping quarters for women in facilities where women have been tradi-
18 tionally afforded privacy and safety from acts of abuse, harassment, sexual
19 assault, and violence committed by men.

20 20-1102. DEFINITIONS. As used in this chapter:

21 (1) "Changing room" means a room or area in which a person may be in a
22 state of undress in the presence of others, including a locker room or shower
23 room.

24 (2) "Correctional facility" means a state correctional facility or lo-
25 cal correctional facility as defined in section 19-4201A, Idaho Code.

26 (3) "Covered entity" means a correctional facility, domestic violence
27 shelter, juvenile correctional center, public building, or state educa-
28 tional institution.

29 (4) "Domestic violence shelter" means a state-operated facility that
30 provides services, including food, housing, counseling, and assistance to
31 victims of domestic violence or abuse and their minor dependent children in
32 this state.

33 (5) "Female" has the same meaning as set forth in section 73-114, Idaho
34 Code.

35 (6) "Juvenile correctional center" means any state-operated residen-
36 tial facility or facility operated pursuant to a contract with the state that
37 provides twenty-four (24) hour supervision and confinement for juvenile of-
38 fenders committed to the custody of the department of juvenile corrections.

39 (7) "Male" has the same meaning as set forth in section 73-114, Idaho
40 Code.

1 (8) "Multi-occupancy" means a space that is designated for use by mul-
2 tiple persons simultaneously.

3 (9) "Public building" means all county courthouses and all city halls
4 and buildings used primarily as governmental offices of the state or any
5 county or city.

6 (10) "Restroom" means a room that includes one (1) or more toilets or
7 urinals.

8 (11) "Sex" has the same meaning as set forth in section 73-114, Idaho
9 Code.

10 (12) "Sleeping quarters" means a room with more than one (1) bed and in
11 which more than one (1) individual is housed overnight.

12 (13) "State educational institution" means the university of Idaho,
13 Lewis-Clark state college, Idaho state university, Boise state university,
14 the school for the deaf and the blind, and any public community colleges un-
15 der the general supervision, governance, and control of the state board of
16 education.

17 20-1103. SAFETY AND PRIVACY IN COVERED ENTITIES. (1) A covered entity
18 shall designate each multi-occupancy restroom, changing room, and sleeping
19 quarters for the exclusive use by either females or males.

20 (2) Every restroom, changing room, or sleeping quarters within a cov-
21 ered entity that is designated for females or males shall only be used by mem-
22 bers of that sex. No individual shall enter a restroom, changing room, or
23 sleeping quarters that is designated for females or males unless such indi-
24 vidual is a member of that sex.

25 (3) A covered entity shall take reasonable steps to provide individuals
26 with privacy in restrooms, changing rooms, and sleeping quarters from mem-
27 bers of the opposite sex.

28 (4) The provisions of this section shall not apply to an individual who
29 enters a restroom, changing room, or sleeping quarters designated for the
30 opposite sex in any of the following circumstances:

31 (a) To perform custodial services or maintenance;

32 (b) To render medical assistance;

33 (c) To render assistance by law enforcement; or

34 (d) To provide services or render aid during a natural disaster, a de-
35 clared emergency, or when necessary to prevent a serious threat to good
36 order or safety.

37 (5) Nothing in this section shall be construed to prohibit a covered en-
38 tity from:

39 (a) Adopting policies necessary to accommodate persons protected under
40 the Americans with disabilities act, young children in need of assis-
41 tance, or elderly persons requiring aid;

42 (b) Establishing single-occupancy restrooms, changing rooms, or
43 sleeping quarters or family restrooms, changing rooms, or sleeping
44 quarters; or

45 (c) Redesignating a multi-occupancy restroom, changing room, or sleep-
46 ing quarters designated for exclusive use by one (1) sex to a designa-
47 tion for exclusive use by the opposite sex.

1 20-1104. REMEDIES. (1) An individual who, while accessing a restroom
2 or changing room designated for use by such individual's sex, encounters a
3 person of the opposite sex in such restroom or changing room shall have a pri-
4 vate cause of action for declaratory and injunctive relief against the cov-
5 ered entity if the covered entity:

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

8 (b) Failed to take reasonable steps to prohibit the person of the oppo-
9 site sex from using the restroom or changing room of the opposite sex.

10 (2) An individual who is required by the covered entity to share sleep-
11 ing quarters with a person of the opposite sex shall have a private cause of
12 action for declaratory and injunctive relief against the covered entity.

13 (3) All civil actions brought pursuant to this section must be initi-
14 ated within two (2) years after the violation occurred. An individual ag-
15 grieved under the provisions of this section who prevails in court may re-
16 cover reasonable attorney's fees and costs from the offending covered en-
17 tity.

18 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared
19 to be severable and if any provision of this act or the application of such
20 provision to any person or circumstance is declared invalid for any reason,
21 such declaration shall not affect the validity of the remaining portions of
22 this act.

23 SECTION 3. An emergency existing therefor, which emergency is hereby
24 declared to exist, this act shall be in full force and effect on and after
25 July 1, 2025.