

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 264, As Amended in the Senate

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO PROTECTING THE PRIVACY OF WOMEN; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 98, TITLE 67, IDAHO CODE, TO DEFINE TERMS, TO ESTABLISH PROVISIONS REGARDING SAFETY AND PRIVACY IN COVERED ENTITIES, AND TO PROVIDE FOR REMEDIES; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 98, Title 67, Idaho Code, and to read as follows:

CHAPTER 98

PROTECTING THE PRIVACY OF WOMEN

67-9801. DEFINITIONS. As used in this chapter:

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

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

(3) "Covered entity" means a correctional facility, domestic violence shelter, juvenile correctional center, or state educational institution.

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

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

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

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

(8) "Multi-occupancy" means a space that is designated for use by multiple persons simultaneously.

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

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

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

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

6 67-9802. SAFETY AND PRIVACY IN COVERED ENTITIES. (1) Any covered en-  
7 tity shall designate each multi-occupancy restroom, changing room, and  
8 sleeping quarters for the exclusive use by either females or males.

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

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

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

20 (a) To perform custodial services or maintenance;

21 (b) To render medical assistance;

22 (c) To provide law enforcement assistance or to supervise any arrestee,  
23 detainee, or inmate in a custodial setting;

24 (d) To provide services or render aid during a natural disaster, a de-  
25 clared emergency, or when necessary to prevent a serious threat to good  
26 order or safety;

27 (e) To use a single-user facility designated for the opposite sex, if  
28 such single-user facility is the only facility reasonably available at  
29 the time of the person's use of the facility;

30 (f) To use restrooms, changing rooms, and sleeping quarters that have  
31 been temporarily designated for use by people of that person's biologi-  
32 cal sex;

33 (g) To provide coaching or athletic training during athletic events; or

34 (h) To accompany and render assistance to a person who is in need of as-  
35 sistance when the person rendering assistance is:

36 (i) A family member or a legal guardian; or

37 (ii) The designee of the person in need of assistance and the de-  
38 signee is not a member of the designated sex for the single-sex re-  
39 stroom, changing facility, or sleeping quarters.

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

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

45 (b) Establishing single-occupancy restrooms, changing rooms, or  
46 sleeping quarters or family restrooms, changing rooms, or sleeping  
47 quarters; or

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

4 (6) (a) A state educational institution shall provide a reasonable ac-  
5 commodation to any student or employee who:

6 (i) For any reason, is unwilling or unable to use a multi-oc-  
7 cupancy restroom, changing room, or sleeping quarters designated  
8 for the person's sex; and

9 (ii) Provides a written request for reasonable accommodation to  
10 the state educational institution.

11 (b) A reasonable accommodation shall not include access to a restroom,  
12 changing facility, or sleeping quarters that is designated for use  
13 by members of the opposite sex while persons of the opposite sex are  
14 present or could be present.

15 67-9803. REMEDIES. (1) An individual who, while accessing a restroom  
16 or changing room designated for use by such individual's sex, encounters a  
17 person of the opposite sex in such restroom or changing room shall have a pri-  
18 vate cause of action for declaratory and injunctive relief against the cov-  
19 ered entity if the covered entity:

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

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

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

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

32 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared  
33 to be severable and if any provision of this act or the application of such  
34 provision to any person or circumstance is declared invalid for any reason,  
35 such declaration shall not affect the validity of the remaining portions of  
36 this act.

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