

HOUSE BILL NO. HB0072

Protecting women's privacy in public spaces act.

Sponsored by: Representative(s) Lawley, Andrew, Angelos, Bratten, Haroldson, Heiner, Larson, JT, Neiman, Washut, Williams and Wylie and Senator(s) Brennan, Crago, Jones and Olsen

A BILL

for

1 AN ACT relating to the administration of the government;
 2 specifying requirements for the use of sex-designated
 3 restrooms, showers, sleeping quarters and locker room
 4 facilities at public facilities; providing for complaints
 5 and civil actions; specifying duties for public entities;
 6 providing definitions; making conforming amendments; and
 7 providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 1-39-124 and 9-25-101 through
 12 9-25-103 are created to read:

13

14 **1-39-124. Liability; sex-designated facilities.**

1

2 A governmental entity is liable for damages resulting from
3 a violation of W.S. 9-25-101 through 9-25-103 in accordance
4 with W.S. 9-25-101 through 9-25-103.

5

6

CHAPTER 25

7

CHANGING AREA AND RESTROOM REQUIREMENTS

8

9

9-25-101. Definitions.

10

11 (a) As used in this chapter:

12

13 (i) "Changing area" means an area in a public
14 facility in which a person may be in a state of undress in
15 the presence of others, including a changing room, locker
16 room or shower room;

17

18 (ii) "Correctional facility" means a jail, a
19 state penal institution, correctional facility operated by
20 a private entity under W.S. 7-22-102, the Wyoming boys'
21 school, the Wyoming girls' school and any youth
22 correctional facility in which a Wyoming youth is placed
23 under W.S. 14-6-201 through 14-6-252;

1

2 (iii) "Educational facility" means the
3 University of Wyoming, a Wyoming community college, a
4 Wyoming public school district or a public school and any
5 facility owned, operated or leased by the University of
6 Wyoming, a Wyoming community college, a Wyoming public
7 school district or a public school;

8

9 (iv) "Female" means a person who has, had, will
10 have or would have had, but for a congenital anomaly or
11 intentional or unintentional disruption, the reproductive
12 system that at some point produces, transports and utilizes
13 eggs for fertilization;

14

15 (v) "Governmental entity" means the state,
16 University of Wyoming or any local government;

17

18 (vi) "Local government" means cities and towns,
19 counties, school districts, joint powers boards, airport
20 boards, public corporations, entities formed by a county
21 memorial hospital, special hospital district, rural health
22 care district or senior health care district that are
23 wholly owned by one (1) or more governmental entities,

1 community college districts, special districts and their
2 governing bodies, all political subdivisions of the state,
3 and their agencies, instrumentalities and institutions;

4

5 (vii) "Male" means a person who has, had, will
6 have or would have had, but for a congenital anomaly or
7 intentional or unintentional disruption, the reproductive
8 system that at some point produces, transports and utilizes
9 sperm for fertilization;

10

11 (viii) "Public facility" means any building or
12 facility owned, operated or leased by a governmental entity
13 and shall include correctional facilities and educational
14 facilities;

15

16 (ix) "Public school" means a public school or
17 charter school in Wyoming;

18

19 (x) "Restroom" means a room or facility that
20 includes one (1) or more toilets or urinals;

21

22 (xi) "Sex" means a person's biological sex,
23 either male or female;

1

2 (xii) "Sleeping quarters" means an area with at
3 least one (1) bed or cot and in which more than one (1)
4 person is housed overnight.

5

6 **9-25-102. Public facilities; changing areas**
7 **exclusively for members of a single sex.**

8

9 (a) In each public facility:

10

11 (i) Every multi-occupancy changing area,
12 restroom and sleeping quarters shall be designated for use
13 exclusively by males or exclusively by females;

14

15 (ii) Every multi-occupancy changing area,
16 restroom and sleeping quarters designated for one (1) sex
17 shall be used only by members of that sex.

18

19 (b) No person shall enter a changing area, restroom
20 or sleeping quarters that is designated for males or
21 females unless the person is a member of that sex.

22

1 (c) Nothing in this section shall be construed to
2 prohibit the administrator of a public facility from
3 providing a reasonable accommodation for a person. For
4 purposes of this subsection, a reasonable accommodation
5 shall not include access to a multi-occupancy changing
6 area, restroom, or sleeping quarters designated for the
7 opposite sex.

8

9 (d) Subsections (a) and (b) of this section shall not
10 apply to:

11

12 (i) Single-occupancy changing areas, restrooms
13 or sleeping quarters that are conspicuously designated for
14 unisex use;

15

16 (ii) An employee who enters the changing area,
17 restroom or sleeping quarters to clean, maintain or inspect
18 a changing area, restroom or sleeping quarters when the
19 changing area, restroom or sleeping quarters is not
20 occupied;

21

22 (iii) A person who enters a changing area,
23 restroom or sleeping quarters to render medical assistance;

1

2 (iv) A person or employee who enters the
3 changing area, restroom or sleeping quarters while in the
4 performance of the person's or employee's official duties;

5

6 (v) Any time during an ongoing natural disaster
7 or emergency or when necessary to prevent a serious threat
8 to public health or safety.

9

10 (e) A person who, while accessing a changing area or
11 restroom designated for use by the person's sex, encounters
12 another person of the opposite sex in the designated
13 changing area or restroom shall have a cause of action
14 against the public facility that:

15

16 (i) Provided the other person permission to use
17 a changing area or restroom of the opposite sex; or

18

19 (ii) Failed to take reasonable steps to prohibit
20 the other person from using the changing area or restroom
21 of the opposite sex.

22

1 (f) A person who is required by a correctional
2 facility to share sleeping quarters with another person of
3 the opposite sex shall have a cause of action against the
4 correctional facility.

5
6 (g) All civil actions initiated under subsections (e)
7 or (f) of this section shall be brought not later than two
8 (2) years after the violation occurred. A person aggrieved
9 under this section who prevails in a cause of action
10 brought under this section may recover reasonable attorney
11 fees and costs from the governmental entity operating the
12 public facility.

13

14 **9-25-103. Sex-designated changing areas and privacy**
15 **spaces in educational facilities.**

16

17 (a) In each educational facility:

18

19 (i) Each multi-occupancy changing area, restroom
20 and sleeping quarters shall be designated by the
21 educational facility for use exclusively for males or
22 exclusively for females;

23

1 (ii) Every multi-occupancy changing area,
2 restroom and sleeping quarters designated for one (1) sex
3 shall be used only by members of that sex.

4

5 (b) No person shall enter a changing area that is
6 designated for one (1) sex unless that person is a member
7 of that sex.

8

9 (c) Each educational facility that offers housing for
10 student residents shall provide students the option to be
11 housed only with persons of the same sex.

12

13 (d) During any activity or event authorized by an
14 educational facility where persons share sleeping quarters,
15 no person shall be required to share sleeping quarters with
16 a member of the opposite sex, unless all occupants of the
17 sleeping quarters are members of the same immediate family.

18

19 (e) In any other facility or setting in an
20 educational facility where a person may be in a state of
21 undress in the presence of others, the educational facility
22 shall provide separate, private changing areas designated
23 for use by persons based on their sex. Except as provided

1 by subsection (f) of this section, no person shall enter
2 these changing areas unless that person is a member of the
3 designated sex.

4

5 (f) This section shall not apply to:

6

7 (i) Single-occupancy changing areas, restrooms
8 or sleeping quarters that are conspicuously designated for
9 unisex or family use;

10

11 (ii) Changing areas, restrooms or sleeping
12 quarters that have been temporarily designated for use by
13 that person's sex;

14

15 (iii) A person of one (1) sex who uses a
16 single-sex changing area or restroom designated for the
17 opposite sex, if that single-sex changing area or restroom
18 is the only facility reasonably available at the time of
19 the person's use of the changing area or restroom and no
20 members of the opposite sex are present in the changing
21 area or restroom at that time;

22

1 (iv) A person employed to clean, maintain or
2 inspect a changing area, restroom or sleeping quarters when
3 the changing area, restroom or sleeping quarters is not
4 occupied;

5

6 (v) A person who enters a changing area,
7 restroom or sleeping quarters to render medical assistance;

8

9 (vi) A person who is in need of assistance and,
10 for the purposes of receiving that assistance, is
11 accompanied by a family member, legal guardian or the
12 person's designee who is a member of the designated sex for
13 the single-sex changing area, restroom or sleeping
14 quarters;

15

16 (vii) Any time during an ongoing natural
17 disaster or emergency or when necessary to prevent a
18 serious threat to public health or student safety.

19

20 (g) Each educational facility shall provide a
21 reasonable accommodation to any person who is unwilling or
22 unable for any reason to use a changing area or restroom
23 designated for the person's sex and located within an

1 educational facility, or multi-occupancy sleeping quarters
2 while attending an activity sponsored by the educational
3 facility, and who makes a written request to the public
4 school for the reasonable accommodation. A reasonable
5 accommodation granted under this subsection shall not
6 include access to a changing area, restroom or sleeping
7 quarters that is designated for use by members of the
8 opposite sex while persons of the opposite sex are present
9 or could be present.

10

11 (h) Any person who, while accessing a changing area,
12 restroom or sleeping quarters designated for use by the
13 person's sex, encounters a person of the opposite sex may
14 bring a cause of action for declaratory and injunctive
15 relief against the educational facility if:

16

17 (i) The educational facility gave that person
18 permission to use the changing area or restroom of the
19 opposite sex; or

20

21 (ii) The educational facility failed to take
22 reasonable steps to prohibit that person from using the
23 changing area or restroom of the opposite sex.

1

2 (j) A person who is required by the educational
3 facility to share sleeping quarters with a person of the
4 opposite sex shall have a private cause of action for
5 declaratory and injunctive relief against the educational
6 facility.

7

8 (k) Any action initiated under subsections (h) or (j)
9 of this section shall be in accordance with all of the
10 following:

11

12 (i) Any civil action shall be brought not later
13 than four (4) years after the event creating the cause of
14 action has occurred;

15

16 (ii) Any person who prevails in an action
17 brought under subsections (h) or (j) of this section may
18 recover from the educational facility five thousand dollars
19 (\$5,000.00) for each instance that the person encountered a
20 person of the opposite sex while accessing a changing area,
21 restroom or sleeping quarters designated for use by the
22 person's sex;

23

1 (iii) The person may also recover monetary
2 damages from the educational facility for all harm
3 suffered;

4

5 (iv) Any person who prevails in an action
6 brought under subsections (h) or (j) of this section shall
7 be entitled to recover reasonable attorney fees and costs
8 from the educational facility;

9

10 (v) Nothing in this section shall limit any
11 other remedy of law or equity available to the person
12 against the educational facility.

13

14 **Section 2.** W.S. 1-39-104(a) is amended to read:

15

16 **1-39-104. Granting immunity from tort liability;**
17 **liability on contracts; exceptions.**

18

19 (a) A governmental entity and its public employees
20 while acting within the scope of duties are granted
21 immunity from liability for any tort except as provided by
22 W.S. 1-39-105 through 1-39-112, and 1-39-122 ~~and through~~
23 ~~1-39-123~~ 1-39-124. Any immunity in actions based on a

1 contract entered into by a governmental entity is waived
2 except to the extent provided by the contract if the
3 contract was within the powers granted to the entity and
4 was properly executed and except as provided in W.S.
5 1-39-120(b). The claims procedures of W.S. 1-39-113 apply
6 to contractual claims against governmental entities.

7

8 **Section 3.** This act is effective July 1, 2025.

9

10

(END)