

## HOUSE BILL NO. HB0072

Protecting women's privacy in public spaces act.

Sponsored by: Representative(s) Lawley, Andrew, Angelos, Banks, Bratten, Guggenmos, Haroldson, Heiner, Kelly, Larson, JT, Neiman, Washut, Williams and Wylie and Senator(s) Brennan, Crago, Hutchings, 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 9-25-104 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 9-25-104 in accordance  
4 with W.S. 9-25-101 through 9-25-104.

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 state  
19 penal institution, correctional facility operated by a  
20 private entity under W.S. 7-22-102, the Wyoming boys'  
21 school and the Wyoming girls' school;

22

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

7

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

13

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

16

17           (vi) "Inmate" means any person incarcerated in a  
18 county jail;

19

20           (vii) "Jail" means a county operated facility  
21 where adults are incarcerated or any county operated or  
22 managed youth facility where persons are placed under W.S.  
23 14-6-201 through 14-6-252;

1

2           (viii) "Local government" means cities and  
3 towns, counties, school districts, joint powers boards,  
4 airport boards, public corporations, entities formed by a  
5 county memorial hospital, special hospital district, rural  
6 health care district or senior health care district that  
7 are wholly owned by one (1) or more governmental entities,  
8 community college districts, special districts and their  
9 governing bodies, all political subdivisions of the state,  
10 and their agencies, instrumentalities and institutions;

11

12           (ix) "Male" means a person who has, had, will  
13 have or would have had, but for a congenital anomaly or  
14 intentional or unintentional disruption, the reproductive  
15 system that at some point produces, transports and utilizes  
16 sperm for fertilization;

17

18           (x) "Public facility" means any building or  
19 facility owned, operated or leased by a governmental entity  
20 and shall include correctional facilities and educational  
21 facilities;

22

1           (xi) "Public school" means a public school or  
2 charter school in Wyoming;

3

4           (xii) "Restroom" means a room or facility that  
5 includes one (1) or more toilets or urinals;

6

7           (xiii) "Sex" means a person's biological sex,  
8 either male or female;

9

10           (xiv) "Sleeping quarters" means an area with at  
11 least one (1) bed or cot and in which more than one (1)  
12 person is housed overnight.

13

14           **9-25-102. Public facilities; changing areas**  
15 **exclusively for members of a single sex.**

16

17           (a) In each public facility:

18

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

22

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, restroom  
6 or sleeping quarters that is designated for males or  
7 females unless the person is a member of that sex.

8

9           (c) Nothing in this section shall be construed to  
10 prohibit the administrator of a public facility from  
11 providing a reasonable accommodation for a person. For  
12 purposes of this subsection, a reasonable accommodation  
13 shall not include access to a multi-occupancy changing  
14 area, restroom, or sleeping quarters designated for the  
15 opposite sex.

16

17           (d) Subsections (a) and (b) of this section shall not  
18 apply to:

19

20           (i) Single-occupancy changing areas, restrooms  
21 or sleeping quarters that are conspicuously designated for  
22 unisex use;

23

1           (ii) An employee who enters the changing area,  
2 restroom or sleeping quarters to clean, maintain or inspect  
3 a changing area, restroom or sleeping quarters when the  
4 changing area, restroom or sleeping quarters is not  
5 occupied;

6

7           (iii) A person who enters a changing area,  
8 restroom or sleeping quarters to render medical assistance  
9 or caregiving assistance;

10

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

14

15           (v) Any time during an ongoing natural disaster  
16 or emergency or when necessary to prevent a serious threat  
17 to public health or safety;

18

19           (vi) Changing areas, restrooms or sleeping  
20 quarters that have been temporarily designated for use by  
21 that person's sex.

22

1           (e) A person who, while accessing a changing area or  
2 restroom designated for use by the person's sex, encounters  
3 another person of the opposite sex in the designated  
4 changing area or restroom shall have a cause of action  
5 against the public facility that:

6

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

9

10           (ii) Failed to take reasonable steps to prohibit  
11 the other person from using the changing area or restroom  
12 of the opposite sex. Reasonable steps may include but are  
13 not limited to posting appropriate signage and adopting  
14 policies and procedures for the enforcement of the  
15 provisions of this act.

16

17           (f) A person who is required by a correctional  
18 facility to share sleeping quarters with another person of  
19 the opposite sex shall have a cause of action against the  
20 correctional facility.

21

22           (g) A person aggrieved under this section who  
23 prevails in a cause of action brought under this section is



1 entitled to actual damages and may recover reasonable  
2 attorney fees and costs from the governmental entity  
3 operating the public facility.

4

5 **9-25-103. Sex-designated changing areas and privacy**  
6 **spaces in educational facilities.**

7

8 (a) In each educational facility:

9

10 (i) Each multi-occupancy changing area, restroom  
11 and sleeping quarters shall be designated by the  
12 educational facility for use exclusively for males or  
13 exclusively for 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 that is  
20 designated for one (1) sex unless that person is a member  
21 of that sex.

22

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

4

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

10

11           (e) In any other facility or setting in an  
12 educational facility where a person may be in a state of  
13 undress in the presence of others, the educational facility  
14 shall provide separate, private changing areas designated  
15 for use by persons based on their sex. Except as provided  
16 by subsection (f) of this section, no person shall enter  
17 these changing areas unless that person is a member of the  
18 designated sex.

19

20           (f) This section shall not apply to:

21

1           (i) Single-occupancy changing areas, restrooms  
2 or sleeping quarters that are conspicuously designated for  
3 unisex or family use;

4

5           (ii) Changing areas, restrooms or sleeping  
6 quarters that have been temporarily designated for use by  
7 that person's sex;

8

9           (iii) A person of one (1) sex who uses a  
10 single-sex changing area or restroom designated for the  
11 opposite sex, if that single-sex changing area or restroom  
12 is the only facility reasonably available at the time of  
13 the person's use of the changing area or restroom and no  
14 members of the opposite sex are present in the changing  
15 area or restroom at that time;

16

17           (iv) A person employed to clean, maintain or  
18 inspect a changing area, restroom or sleeping quarters when  
19 the changing area, restroom or sleeping quarters is not  
20 occupied;

21

1           (v) A person who enters a changing area,  
2 restroom or sleeping quarters to render medical assistance  
3 or caregiving assistance;

4

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

11

12           (vii) Any time during an ongoing natural  
13 disaster or emergency or when necessary to prevent a  
14 serious threat to public health or student safety;

15

16           (viii) A school official or employee who enters  
17 the changing area, restroom or sleeping quarters while in  
18 the performance of the official's or employee's official  
19 duties and who takes reasonable steps to ensure that no  
20 person in the room is in a state of undress.

21

22           (g) Each educational facility shall provide a  
23 reasonable accommodation to any person who is unwilling or

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

12

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

18

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

22

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

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

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

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

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

1 restroom or sleeping quarters designated for use by the  
2 person's sex;

3

4 (iii) The person may also recover monetary  
5 damages from the educational facility for all harm  
6 suffered;

7

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

12

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

16

17 **9-25-104. Jails; changing areas exclusively for**  
18 **members of a single sex.**

19

20 (a) In each jail:

21

1           (i) Every shower room, sleeping quarters and  
2 restroom shall be designated for use exclusively by males  
3 or exclusively by females;

4

5           (ii) Every shower room, sleeping quarters and  
6 restroom designated for one (1) sex shall be used only by  
7 inmates of that sex;

8

9           (iii) Every shower room, sleeping quarters and  
10 restroom may be redesignated if all inmates of the opposite  
11 sex vacate the area and the jail provides notice to all  
12 employees.

13

14           (b) No inmate shall be placed in a shower room,  
15 sleeping quarters or restroom that is designated for males  
16 or females unless the inmate is a member of that sex or all  
17 members of the opposite sex have been moved to prohibit any  
18 visual contact of the person of the opposite sex.

19

20           (c) Nothing in this section shall prohibit a jail  
21 employee from entering shower rooms, sleeping quarters or  
22 restrooms under one (1) or more of the following  
23 circumstances:



1

2 (i) If a jail employee is performing the  
3 employee's duties;

4

5 (ii) If there is a disaster or terroristic  
6 attack;

7

8 (iii) If it is necessary for the safety and  
9 security of the jail; or

10

11 (iv) If it is necessary for a jail employee to  
12 establish order or discipline.

13

14 (d) No jail shall be required to clearly post signage  
15 indicating the designations for one (1) sex on entry points  
16 of shower rooms, sleeping quarters or restrooms if jail  
17 employees and inmates are readily aware of the designation  
18 for one (1) sex.

19

20 (e) An inmate placed or expressly allowed by a jail  
21 employee to enter a shower room, sleeping quarter or  
22 restroom when other inmates of the opposite sex are present  
23 shall have a cause of action against the jail provided the

1 inmate provides notice to a jail employee of an allegation  
2 to allow all video and audio recordings in support of the  
3 claim to be retained. A civil action initiated under this  
4 subsection shall be brought not later than one (1) year  
5 after the violation occurred.

6

7 (f) An inmate not easily identifiable as male or  
8 female may be administratively segregated for the safety  
9 and security of the inmate and other inmates. An inmate who  
10 is administratively segregated under this subsection may be  
11 temporarily allowed in a shower room, sleeping quarters or  
12 restroom regardless of designation if the inmate is under  
13 the direct control of a jail employee and there are no  
14 other shower rooms, sleeping quarters or restrooms  
15 designated for single occupancy use. An inmate using a  
16 shower room, sleeping quarters or restroom under this  
17 subsection shall be shielded from visual contact of other  
18 inmates who are also using the shower room, sleeping  
19 quarters or restroom.

20

21 (g) Nothing in this section shall prohibit an inmate  
22 or jail from using any remedies afforded under the Prison

1 Litigation Reduction Act to resolve any violations of this  
2 section.

3

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

5

6 **1-39-104. Granting immunity from tort liability;**  
7 **liability on contracts; exceptions.**

8

9 (a) A governmental entity and its public employees  
10 while acting within the scope of duties are granted  
11 immunity from liability for any tort except as provided by  
12 W.S. 1-39-105 through 1-39-112, and 1-39-122 and through  
13 1-39-123—1-39-124. Any immunity in actions based on a  
14 contract entered into by a governmental entity is waived  
15 except to the extent provided by the contract if the  
16 contract was within the powers granted to the entity and  
17 was properly executed and except as provided in W.S.  
18 1-39-120(b). The claims procedures of W.S. 1-39-113 apply  
19 to contractual claims against governmental entities.

20

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

22

23

(END)