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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3396

03/21/2016 Authored by Gruenhagen, Miller, Whelan, Pugh, Scott and others
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices

A bill for an act

relating to human rights; clarifying certain provisions in the Human Rights Act governing gender specific accommodations; amending Minnesota Statutes 2014, sections 363A.03, subdivision 42; 363A.20, by adding a subdivision; 363A.24, subdivision 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2014, section 363A.03, subdivision 42, is amended to read:

Subd. 42. **Sex.** "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth. A person's sex is either male or female as biologically defined.

Sec. 2. Minnesota Statutes 2014, section 363A.20, is amended by adding a subdivision to read:

Subd. 11. **Employer restrooms, locker rooms, dressing rooms, and similar facilities.** The provisions of section 363A.11 relating to sexual orientation as defined in section 363A.03, subdivision 44, shall not apply to the employment of any individual with regard to facilities such as restrooms, locker rooms, dressing rooms, or other similar places. No claim of nontraditional identity or "sexual orientation" may override another person's right of privacy based on biological sex in such facilities as restrooms, locker rooms, dressing rooms, and other similar places, which shall remain reserved for males or females as they are biologically defined.

Sec. 3. Minnesota Statutes 2014, section 363A.24, subdivision 1, is amended to read:

Subdivision 1. **Restrooms, locker rooms, dressing rooms, and similar places.** (a) The provisions of section 363A.11 relating to sex, or sexual orientation as defined in section 363A.03, subdivision 44, shall not apply to such public facilities as restrooms, locker rooms, dressing rooms, and other similar places. No claim of nontraditional identity or "sexual orientation" may override another person's right of privacy based on biological sex in public facilities such as restrooms, locker rooms, dressing rooms, and other similar places, which shall remain reserved for males or females as biologically defined. The provisions of section 363A.11 do not apply to employees or volunteers of a nonpublic service organization whose primary function is providing occasional services to minors, such as youth sports organizations, scouting organizations, boys' or girls' clubs, programs providing friends, counselors, or role models for minors, youth theater, dance, music or artistic organizations, agricultural organizations for minors, and other youth organizations, with respect to qualifications based on sexual orientation.

(b) Other than single-occupancy facilities, no employer shall permit access to restrooms, locker rooms, dressing rooms, and other similar places on any basis other than biological sex. Nothing in this section shall be construed to: (1) limit access by a minor accompanied by an adult guardian of the opposite sex into a specified facility appropriate for the adult guardian, where the minor has not reached the age of nine years; (2) prohibit a person with disabilities from using a specified facility appropriate to the biological sex of either the disabled person or of an adult caretaker providing assistance; or (3) prohibit access by bona fide custodial staff or any other person in an actual emergency, where the person knocks and announces as a member of the opposite sex, if practicable.

(c) Other than single-occupancy facilities, no public school or university shall permit access to restrooms, locker rooms, dressing rooms, and other similar places used by minor students on any basis other than biological sex. Nothing in this section shall be construed to: (1) limit access to other specified facilities by a minor accompanied by an adult guardian, where the minor has not reached the age of nine years; (2) prohibit a person with disabilities from using a specified facility appropriate to the biological sex of either the disabled person or of an adult caretaker providing assistance; or (3) prohibit access by bona fide custodial staff or any person in an actual emergency, where the person knocks and announces as a member of the opposite sex, if practicable.