SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 802

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DATE	D-PG	OFFICIAL STATUS
01/30/2025		Introduction and first reading
		Referred to Education Policy

A bill for an act

relating to education; providing for student physical privacy; amending Minnesota Statutes 2024, section 121A.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 121A.

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

Section 1. Minnesota Statutes 2024, section 121A.04, subdivision 3, is amended to read:

Subd. 3. **Exceptions.** (a) Notwithstanding any other state law to the contrary, in athletic programs operated by educational institutions or public services and designed for participants 12 years old or older or in the 7th grade or above, it is not an unfair discriminatory practice to restrict membership on an athletic team to participants of one sex whose overall athletic opportunities have previously been limited.

(b) When an educational institution or a public service provides athletic teams for children 11 years old or younger or in the 6th grade or below, those teams shall be operated without restrictions on the basis of sex, except that when overall athletic opportunities for one sex have previously been limited and there is a demonstrated interest by members of that sex to participate on a team restricted to members of that sex, the educational institution or public service may provide a team restricted to members of that sex.

(c) When two teams in the same sport are in fact separated or substantially separated according to sex, the two teams shall be provided with substantially equal budgets per participant, exclusive of gate receipts and other revenues generated by that sport, and in all other respects shall be treated in a substantially equal manner. However, nothing in this section shall be construed to require the two teams to conduct combined practice sessions or any other combined activities related to athletics.

(d) If two teams are provided in the same sport, one of these teams may be restricted to members of a sex whose overall athletic opportunities have previously been limited, and members of either sex shall be permitted to try out for the other team.

(e) Notwithstanding the provisions of paragraphs (a), (b), and (d), any wrestling team may be restricted to members of one sex whether or not the overall athletic opportunities of that sex have previously been limited, provided that programs or events are provided for each sex to the extent the educational institution or public service determines that these programs or events are necessary to accommodate the demonstrated interest of each sex to participate in wrestling.

(f) Notwithstanding the provisions of paragraphs (a) to (e) or any other state law to the contrary, a person with a Y chromosome must not participate in a school athletic team designated for the female sex.

Sec. 2. **[121A.211] STUDENT PHYSICAL PRIVACY.**

Subdivision 1. **Purpose.** The purpose of this section is to protect and provide for the privacy and safety of all students enrolled in public schools and to maintain order and dignity in restrooms, locker rooms, changing rooms, showers, and other facilities where students may be in various states of undress in the presence of other students.

Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Sex" means the physical condition of being male or female, as determined by a person's chromosomes and identified by a person's anatomy.

(c) "Public school" means a public school under section 120A.05, subdivisions 9, 11, 13, and 17, and a charter school under chapter 124E.

Subd. 3. **Student physical privacy protection.** (a) A public school student restroom, locker room, changing room, or shower accessible by multiple students at the same time shall be designated for the exclusive use by students based on their sex.

(b) A public school student restroom, locker room, changing room, or shower that is designated for the exclusive use of one sex shall be used only by members of that sex. A restroom, locker room, changing room, or shower that is designated for the exclusive use of the female sex must not be used by a person with a Y chromosome.

(c) In any other public school facility or setting where a student may be in a state of undress in the presence of other students, school personnel shall provide separate, private, and safe areas designated for use by students based on their sex.

(d) Nothing in this section shall prohibit public schools from providing accommodation such as single-occupancy facilities or controlled use of faculty facilities upon a student request due to special circumstances. Under no circumstances may a public school student restroom, locker room, changing room, shower, or other facility designated for exclusive use based on sex be used by a person of another sex.