

SB79 INTRODUCED



1 SB79
2 C2K7QQW-1
3 By Senators Weaver, Bell, Livingston, Chambliss, Gudger,
4 Sessions, Kelley, Barfoot
5 RFD: County and Municipal Government
6 First Read: 04-Feb-25



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SYNOPSIS:

Under existing law, public schools must require multiple occupancy restrooms and changing areas designated for students to be used by individuals based on their biological sex.

This bill would require correctional facilities, domestic violence shelters, juvenile detention centers, public schools, and public institutions of higher education to designate multi-occupancy restrooms, changing rooms, and sleeping quarters for the exclusive use of either females or males and would require these facilities and institutions to take reasonable steps to provide individuals with privacy in these spaces from members of the opposite sex.

This bill would prohibit entry into a restroom or changing room designated for females or males, and in certain settings would prohibit the sharing of sleeping quarters, unless an individual is a member of that sex.

This bill would provide exceptions.

This bill would provide a cause of action against a correctional facility, domestic violence shelter, juvenile detention center, public school, or public institution of higher education by an individual who, while accessing a restroom or changing room



SB79 INTRODUCED

29 designated for use by their sex, encounters an
30 individual of the opposite sex in that restroom or
31 changing room.

32 This bill would also define terms, including
33 "male" and "female."

34

35

36

A BILL

37

TO BE ENTITLED

38

AN ACT

39

40 Relating to access to bathrooms and private spaces; to
41 amend Section 16-1-54, Code of Alabama 1975; to require
42 correctional facilities, domestic violence shelters, juvenile
43 detention centers, public schools, and public institutions of
44 higher education to designate multi-occupancy restrooms,
45 changing rooms, and sleeping quarters for the exclusive use of
46 either females or males and take measures to prevent access by
47 the opposite sex; to prohibit entry by an individual of the
48 opposite sex into these private spaces in certain settings; to
49 provide a cause of action against a facility or institution to
50 an individual who encounters an individual of the opposite sex
51 in a restroom or changing room; and to define certain terms.

52

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

53

Section 1. (a) For purposes of this section, the
54 following terms have the following meanings:

55

(1) CHANGING ROOM. A room or area in which an

56 individual may be in a state of undress in the presence of



SB79 INTRODUCED

57 others. The term includes a locker room or shower room.

58 (2) COVERED ENTITY. Any of the following:

59 a. A correctional facility supervised and controlled by
60 the Alabama Department of Corrections. The term does not
61 include a county or municipal jail or other local correctional
62 facility.

63 b. A domestic violence center as defined in Section
64 30-6-1, Code of Alabama 1975.

65 c. A youth detention facility licensed by the
66 Department of Youth Services.

67 (3) FEMALE. An individual who has, had, or will have,
68 or would have, but for a developmental or genetic anomaly or
69 historical accident, the reproductive system that at some
70 point produces, transports, and utilizes eggs for
71 fertilization.

72 (4) MALE. An individual who has, had, will have, or
73 would have, but for a developmental or genetic anomaly or
74 historical accident, the reproductive system that at some
75 point produces, transports, and utilizes sperm for
76 fertilization.

77 (5) MULTI-OCCUPANCY. Designed for use by multiple
78 individuals simultaneously.

79 (6) RESTROOM. A room that includes one or more toilets
80 or urinals.

81 (7) SLEEPING QUARTERS. A room with more than one bed
82 and in which more than one individual is housed overnight.

83 (b) (1) A covered entity shall designate each
84 multi-occupancy restroom, changing room, and sleeping quarters



SB79 INTRODUCED

85 for the exclusive use of either females or males.

86 (2) Every restroom, changing room, or sleeping quarters
87 within a covered entity that is designated for females or
88 males shall only be used by members of that sex. No individual
89 shall enter a restroom, changing room, or sleeping quarters
90 designated for females or males unless he or she is a member
91 of that sex.

92 (3) A covered entity shall take reasonable steps to
93 provide individuals with privacy in restrooms, changing rooms,
94 and sleeping quarters from members of the opposite sex.

95 (4) This subsection shall not apply to an individual
96 who enters a restroom, changing room, or sleeping quarters
97 designated for the opposite sex in any of the following
98 circumstances, provided that the restroom, changing room, or
99 sleeping quarters is not in use:

- 100 a. To perform custodial services or maintenance.
101 b. To render medical assistance.
102 c. To render assistance by law enforcement.
103 d. To provide services or render aid during a natural
104 disaster, a declared emergency, or when necessary to prevent a
105 serious threat to good order or safety.

106 (5) Nothing in this subsection shall be construed to
107 prohibit a covered entity from doing any of the following:

- 108 a. Adopting policies necessary to accommodate
109 individuals protected under the Americans with Disabilities
110 Act, young children in need of assistance, or elderly
111 individuals requiring aid.

- 112 b. Establishing single-occupancy restrooms, changing



SB79 INTRODUCED

113 rooms, or sleeping quarters, or family restrooms, changing
114 rooms, or sleeping quarters.

115 c. Redesignating a multi-occupancy restroom, changing
116 room, or sleeping quarters designated for exclusive use by one
117 sex to a designation for exclusive use by the opposite sex.

118 (c) (1) An individual who, while accessing a restroom or
119 changing room designated for use by their sex, encounters an
120 individual of the opposite sex in that restroom or changing
121 room has a private cause of action for declaratory and
122 injunctive relief against the covered entity if the covered
123 entity did either of the following:

124 a. Provided the individual permission to use the
125 restroom or changing room of the opposite sex.

126 b. Failed to take reasonable steps to prohibit the
127 individual of the opposite sex from using the restroom or
128 changing room of the opposite sex.

129 (2) An individual who is required by the covered entity
130 to share sleeping quarters with an individual of the opposite
131 sex has a private cause of action for declaratory and
132 injunctive relief against the covered entity.

133 (3) There shall be a rebuttable presumption that
134 requiring an individual to be housed with members of the
135 opposite sex at a covered entity has caused cognizable harm to
136 the injured individual.

137 (4) All civil actions brought pursuant to this
138 subsection must be initiated within two years after the
139 violation occurred. An individual aggrieved under this section
140 who prevails in court may recover reasonable attorney fees and



SB79 INTRODUCED

141 costs from the offending covered entity.

142 Section 2. Section 16-1-54, Code of Alabama 1975, is
143 amended to read as follows:

144 "§16-1-54

145 (a) For the purposes of this section, the following
146 terms have the following meanings:

147 ~~(1) BIOLOGICAL SEX. The physical condition of being~~
148 ~~male or female, as stated on the individual's original birth~~
149 ~~certificate.~~

150 ~~(2) MULTIPLE OCCUPANCY RESTROOM OR CHANGING AREA. An~~
151 ~~area in a public K-12 school building designed or designated~~
152 ~~to be used by more than one individual student at a time,~~
153 ~~where students may be in various stages~~

154 (1) CHANGING ROOM. A room or area in which an
155 individual may be in a various state of undress in the
156 presence of other students or individuals. The term may
157 include, but is not limited to, a ~~school restroom,~~ locker
158 room, ~~changing room,~~ or shower room.

159 (2) FEMALE. An individual who has, had, or will have,
160 or would have, but for a developmental or genetic anomaly or
161 historical accident, the reproductive system that at some
162 point produces, transports, and utilizes eggs for
163 fertilization.

164 (3) MALE. An individual who has, had, will have, or
165 would have, but for a developmental or genetic anomaly or
166 historical accident, the reproductive system that at some
167 point produces, transports, and utilizes sperm for
168 fertilization.



SB79 INTRODUCED

169 (4) PUBLIC INSTITUTION OF HIGHER EDUCATION. The term as
170 defined in Section 16-5-1.

171 (5) PUBLIC SCHOOL. Any public K-12 school. The term
172 does not include nonpublic schools, parochial or church
173 schools, religious schools, or any home schooling family.

174 (6) RESTROOM. A room that includes one or more toilets
175 or urinals.

176 (7) SEX. When the term is used to classify or describe
177 a natural person, the state of being male or female as
178 observed or clinically verified at birth.

179 (b) A public ~~K-12~~ school or public institution of
180 higher education shall require every multiple occupancy
181 restroom or changing area designated for student use to be
182 ~~used by individuals based on their biological sex~~ designated
183 for exclusive use by either females or males.

184 (c) A restroom or changing room within a public school
185 or public institution of higher education that is designated
186 for males or females shall be used only by members of that
187 sex. No individual shall enter a restroom or changing room
188 designated for one sex unless he or she is a member of that
189 sex.

190 (d) A public school or public institution of higher
191 education shall take reasonable steps to provide individuals
192 with privacy in restrooms and changing rooms from members of
193 the opposite sex.

194 (e) In any other facility or setting in a public school
195 or public institution of higher education where an individual
196 may be in a state of undress in the presence of others, school



SB79 INTRODUCED

197 personnel shall provide separate, private areas designated for
198 use by individuals based on their sex, and no individual shall
199 enter these private areas unless he or she is a member of the
200 designated sex.

201 (f) This section does not apply to individuals entering
202 a ~~multiple occupancy~~ restroom or changing area designated for
203 use by the opposite sex when entering in any of the following
204 circumstances:

205 (1) For custodial purposes.

206 (2) For maintenance or inspection purposes.

207 (3) To render medical assistance.

208 (4) To accompany a student needing assistance when the
209 assisting individual is an employee of the local board of
210 education or the student's parent or authorized caregiver.

211 (5) To receive assistance in using the area.

212 (6) When the restroom has been temporarily designated
213 for use by that individual's biological sex.

214 (g) An individual who, while accessing a restroom or
215 changing room covered by this section, encounters an
216 individual of the opposite sex in the restroom or changing
217 room has a private cause of action against the public school
218 or public institution of higher education that did either of
219 the following:

220 (1) Gave the individual of the opposite sex permission
221 to use the restroom or changing room.

222 (2) Failed to take reasonable steps to prohibit the
223 individual of the opposite sex from entering the restroom or
224 changing room.



SB79 INTRODUCED

225 (h) All civil actions under this section must be
226 initiated within two years from the date that the harm
227 occurred.

228 (i) An individual who prevails on a claim brought
229 pursuant to this section shall be entitled to recover
230 declaratory and injunctive relief, monetary damages, along
231 with reasonable attorney fees and costs."

232 Section 3. This act shall become effective on October
233 1, 2025.