

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 3396
Version: As introduced

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Authors: Gruenhagen and others

Subject: Amending the Human Rights Act definition of sex; changing requirements for employers and public accommodations for restrooms and locker rooms

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Overview

This bill amends the Human Rights Act to add exceptions for employers and places of public accommodation related to restrooms, locker rooms, dressing rooms, and other similar facilities.

Section

- 1** **Sex.** Adds that a person's sex is either male or female as biologically defined to the definition of "sex" for the purposes of the Minnesota Human Rights Act.
- 2** **Employer restroom, locker room, dressing room, and similar facility.** Adds an exception to the Minnesota Human Rights Act for employers that are places of public accommodation (such as a business, hotel, or restaurant) by preventing claims by an employee based on sexual orientation related to the use of a restroom, dressing room, or locker room.

This bill would also:

- Require places of public accommodation to reserve restrooms, locker rooms, and dressing rooms for individuals based on their biological sex.
- Prevents an employer from accommodating an individual who has a nontraditional identity or sexual orientation to allow them to use a restroom, locker room, dressing room, or other similar facility based on their sexual orientation or nontraditional identity.
- Limit the use of restrooms, locker rooms, and dressing rooms to members of the biological sex designated.

Section

3

Restrooms, locker rooms, dressing rooms, and similar places. Prevents a claim of discrimination based on sexual orientation or sex in places of public accommodation (such as a business, hotel, restaurant, or transportation facility) for the use of restrooms, locker rooms, or dressing rooms and reserves those facilities for individuals of either the male or female biological sex.

This section also adds provisions to the exceptions to the human rights law to indicate that restrooms, locker rooms, or dressing rooms in a public accommodation that are open to more than one person are limited to members of a single biological sex, either male or female.

Except that:

- Minor children may accompany their parent of the opposite sex into restrooms or locker rooms (that is designated for the parent's sex) up until the age of 9.
- Disabled persons may accompany their caretaker into the restroom of their designated caregiver or the disabled person.
- Bona fide custodial staff may enter if they announce their entry prior to entering the facility, when practicable.
- A person may enter in an actual emergency if they announce their entry prior to entering the facility, when practicable.

This section also provides that public schools and universities must not allow access to restrooms, locker rooms, or dressing rooms to persons who are of a biological sex other than the single sex indicated (either female or male) when the restroom or locker room is used by individuals under the age of 18. Except that:

- Minor children may accompany their parent of the opposite sex into restrooms or locker rooms (that is designated for the parent's sex) up until the age of 9.
- Disabled persons may accompany their caretaker into the restroom of their designated caregiver or the disabled person.
- Bona fide custodial staff may enter if they announce their entry prior to entering the facility, when practicable.
- A person may enter in an actual emergency if they announce their entry prior to entering the facility, when practicable.