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## DIGEST

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HB 608 Reengrossed

2024 Regular Session

Wilder

**Abstract:** Provides for the distinction between males and females and provides for protections for women and girls against sexual assault and harassment committed by biological men.

Proposed law provides legislative intent and provides for protections for women and girls against sexual assault and harassment committed by biological men.

Proposed law defines "boy", "changing room", "correctional facilities", "domestic violence shelter", "father", "female", "girl", "juvenile detention facilities", "male", "man", "mother", "public school", "restroom", "sex", "sleeping quarters", and "woman".

Proposed law (R.S. 9:60) provides that no governmental agency shall prohibit distinction between the sexes with respect to athletics, correctional facilities, juvenile detention facilities, domestic violence shelters, or other accommodation where biology safety or privacy are implicated. Further requires that such separate accommodations are substantially related to the important government interest of protecting health, safety, and privacy of individuals in such circumstances.

Proposed law does not prohibit a domestic violence shelter, public school, correctional facility, or juvenile detention facility from establishing single-occupancy restrooms, changing rooms, or sleeping quarters or from redesignating a restroom, changing room, or juvenile detention facility as needed.

Proposed law (R.S. 9:61) provides that a domestic violence shelter shall designate separate areas to be used by the members of each sex only, but shall not apply to the following circumstances:

- (1) To perform custodial services or maintenance of a restroom, changing room, or sleeping quarters that is normally used by the opposite sex.
- (2) To render medical assistance.
- (3) To render assistance by law enforcement.
- (4) To provide services or render aid during a natural disaster, a declared emergency, or when necessary to prevent a serious threat to good order or safety.

Proposed law does not prevent a domestic violence shelter from accommodating with the provisions of the ADA.

Proposed law (R.S. 9:62) provides that restrooms in public schools shall designate separate restrooms to be used by the members of each sex only, but shall not apply to the following circumstances:

- (1) To perform custodial services or maintenance of a restroom, changing room, or sleeping quarters that is normally used by the opposite sex.
- (2) To render medical assistance.
- (3) To render assistance by law enforcement.
- (4) To provide services or render aid during a natural disaster, a declared emergency, or when necessary to prevent a serious threat to good order or safety.

Proposed law (R.S. 9:62(C)) provides that students shall not share sleeping quarters with a member of the opposite sex on school authorized events unless such persons are members of the same family and the student has received approval from the parent or legal guardian to do so.

Proposed law does not prevent public schools from accommodating with the provisions of the ADA.

Proposed law (R.S. 9:63) provides that correctional facilities and juvenile detention facilities shall designate separate areas to be used by the members of each sex only, but shall not apply to the following circumstances:

- (1) To perform custodial services or maintenance of a restroom, changing room, or sleeping quarters that is normally used by the opposite sex.
- (2) To render medical assistance.
- (3) To render assistance by law enforcement.
- (4) To provide services or render aid during a natural disaster, a declared emergency, or when necessary to prevent a serious threat to good order or safety.

Proposed law (R.S. 9:63(D)) does not prevent correctional facilities and juvenile detention facilities from accommodating with the provisions of the ADA.

Proposed law (R.S. 9:64) provides that any law that distinguishes between sexes is subject to intermediate scrutiny which forbids discrimination against similarly situated individuals, but allows the law to distinguish between the sexes when there is an important governmental interest.

Proposed law (R.S. 9:65(D)) provides that it is a rebuttable presumption that requiring biological females to be housed with biological males at a domestic violence shelter, juvenile detention center, corrections facility, or public school is inherently discriminatory to biological females and is a cognizable harm to biological women.

Proposed law (R.S. 9:65) provides for appropriate relief in the following circumstances:

- (1)(a) Injunctive relief, protective order, writ of mandamus or a prohibition, or declaratory relief to prevent any violation of this Part.
- (b) The court may waive the requirement that the petitioner post bond for good cause shown.
- (2) Actual damages, reasonable attorney fees, and costs.

Proposed law (R.S. 9:65(F)) provides that all actions shall be initiated within two years from the date that the harm occurred.

Proposed law provides that if any provision of the act is held invalid, application of this Act is declared severable.

(Adds R.S. 9:55-65)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Make technical changes.
2. Change reference from "female" to "individual" and change reference from "biological males" to "members of the opposite sex".

#### The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Provide that proposed law does not prohibit a domestic violence shelter, public school, correctional facility, or juvenile detention facility from establishing single-occupancy restrooms, changing rooms, or sleeping quarters or from redesignating a restroom, changing room, or juvenile detention facility as needed.