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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 41

01/05/2017 Authored by Quam, Drazkowski, Lucero and Gruenhagen
The bill was read for the first time and referred to the Committee on Education Innovation Policy

1.1 A bill for an act
1.2 relating to education; establishing the Student Physical Privacy Act; proposing
1.3 coding for new law in Minnesota Statutes, chapter 121A.

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

1.5 Section 1. 121A.35] STUDENT PHYSICAL PRIVACY ACT.

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

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

1.12 (b) "Sex" means the physical condition of being male or female, which is determined
1.13 by a person's chromosomes and is identified at birth by a person's anatomy.

1.14 (c) "Public school" means a public school under section 120A.05, subdivisions 9, 11,
1.15 13, and 17, and a charter school under chapter 124E.

1.16 Subd. 3. Student physical privacy protection. (a) A public school student restroom,
1.17 locker room, changing room, and shower room accessible by multiple students at the same
1.18 time shall be designated for the exclusive use by students of the male sex only or by students
1.19 of the female sex only.

1.20 (b) A public school student restroom, locker room, changing room, and shower room
1.21 that is designated for the exclusive use of one sex shall be used only by members of that
1.22 sex.

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

2.4 (d) Nothing in this section shall prohibit public schools from providing accommodation
2.5 such as single-occupancy facilities or controlled use of faculty facilities upon a student
2.6 request due to special circumstances, but in no event shall that accommodation result in a
2.7 public school allowing a student to use a facility designated under paragraph (b) for a sex
2.8 other than the student's own sex.