

HOUSE BILL No. 5717

June 2, 2016, Introduced by Reps. Runestad, Hooker, Howell, Glenn, Cole, Chatfield, Johnson, Rendon, Somerville, Barrett, Vaupel, Tedder, Aaron Miller, Jenkins, Franz, Goike, Kelly, Theis, Potvin and Lucido and referred to the Committee on Government Operations.

A bill to restrict the use of public bathrooms, changing facilities, and similar shared spaces used for private activities based on biological sex.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "occupancy of public facilities act".

3 Sec. 2. As used in this act:

4 (a) "Biological sex" means physical condition of being male or
5 female, as stated on the individual's birth certificate or a state-
6 issued identification card.

7 (b) "Governmental entity" includes all of the following:

8 (i) An agency in the executive, legislative, or judicial
9 branch of state government.

1 (ii) A county, city, township, village, assessment district,
2 or other political subdivision, corporation, commission, agency, or
3 authority created by law.

4 (iii) A local board of education.

5 (iv) A college, university, community college, or junior
6 college described in section 4, 5, or 6 of article 8 of the state
7 constitution of 1963 or established under section 7 of article 8 of
8 the state constitution of 1963.

9 (v) Any other political subdivision of this state.

10 (c) "Local board of education" means the board of a school
11 district or intermediate school district or the board of directors
12 of a public school academy.

13 (d) "Multiple occupancy bathroom or changing facility" means a
14 facility designed or designated to be used by more than 1
15 individual at a time and in which individuals may be in various
16 stages of undress in the presence of other individuals, such as a
17 restroom, locker room, changing room, or shower room, but does not
18 include a facility designated for family use.

19 (e) "Single occupancy bathroom or private activities facility"
20 means a facility designed or designated to be used by only 1
21 individual at a time and in which an individual may be in various
22 stages of undress, such as a single stall restroom designated as
23 unisex or for use based on biological sex.

24 Sec. 3. (1) A local board of education shall require each
25 multiple occupancy bathroom or changing facility that is designated
26 for student use to be designated for and used only by students
27 based on their biological sex.

1 (2) This section does not prohibit a local board of education
2 from providing an accommodation, such as single occupancy bathrooms
3 or changing facilities or controlled student use of faculty
4 facilities upon request due to special circumstances, but does not
5 permit an accommodation that results in student use of a multiple
6 occupancy bathroom or changing facility designated for a sex other
7 than the student's biological sex.

8 (3) This section does not apply to an individual entering a
9 multiple occupancy bathroom or changing facility designated for use
10 by the opposite biological sex if any of the following purposes or
11 situations apply:

12 (a) For custodial purposes.

13 (b) For maintenance or inspection purposes.

14 (c) To render medical assistance.

15 (d) To accompany a student needing assistance, if the
16 assisting individual is an employee or authorized volunteer of the
17 local board of education or the student's parent or authorized
18 caregiver.

19 (e) To receive assistance in using the facility.

20 (f) To accompany an individual other than a student needing
21 assistance.

22 (g) The bathroom or changing facility is temporarily
23 designated for use by that individual's biological sex.

24 Sec. 4. (1) Except as provided in subsection (3), a
25 governmental entity shall require each of its publicly owned or
26 leased multiple occupancy bathrooms or changing facilities to be
27 designated for and only used by individuals based on their

1 biological sex.

2 (2) This section does not prohibit a governmental entity from
3 providing accommodations such as single occupancy bathrooms or
4 changing facilities upon request due to special circumstances, but
5 does not permit an accommodation that results in use of a multiple
6 occupancy bathroom or changing facility designated for a sex other
7 than the individual's biological sex.

8 (3) This section does not apply to an individual entering a
9 multiple occupancy bathroom or changing facility designated for use
10 by the opposite sex if any of the following purposes or situations
11 apply:

12 (a) For custodial purposes.

13 (b) For maintenance or inspection purposes.

14 (c) To render medical assistance.

15 (d) To accompany an individual needing assistance.

16 (e) The individual is a minor under the age of 7 and is
17 accompanied by an individual caring for that minor.

18 (f) The bathroom or changing facility is temporarily
19 designated for use by that individual's biological sex.

20 Sec. 5. A local ordinance or policy that conflicts with this
21 act is void.

22 Enacting section 1. This act takes effect 90 days after the
23 date it is enacted into law.