

By: Representatives Hurst, Rushing, Tullos,
Stepp, Varner, Shanks, Remak, Ford (73rd),
Hobgood-Wilkes, Waldo, Crawford

To: Public Property;
Judiciary A

HOUSE BILL NO. 1428

1 AN ACT TO CREATE NEW SECTION 29-18-1, MISSISSIPPI CODE OF
2 1972, TO CREATE THE "SAFER ACT" TO REGULATE GOVERNMENTAL
3 BUILDINGS; TO CREATE NEW SECTION 29-18-3, MISSISSIPPI CODE OF
4 1972, TO PROVIDE LEGISLATIVE FINDINGS FOR THE ACT; TO CREATE NEW
5 SECTION 29-18-5, MISSISSIPPI CODE OF 1972, TO PROVIDE DEFINITIONS
6 FOR THE ACT; TO CREATE NEW SECTION 29-18-7, MISSISSIPPI CODE OF
7 1972, TO REQUIRE PUBLIC BUILDINGS TO HAVE EXCLUSIVE MALE AND/OR
8 FEMALE RESTROOMS OR UNISEX RESTROOMS AT A MINIMUM; TO CREATE NEW
9 SECTION 29-18-9, MISSISSIPPI CODE OF 1972, TO REQUIRE CHANGING
10 FACILITIES TO BE EXCLUSIVE MALE AND/OR FEMALE OR UNISEX AT A
11 MINIMUM; TO CREATE NEW SECTION 29-18-11, MISSISSIPPI CODE OF 1972,
12 TO REGULATE PUBLIC STUDENT HOUSING FOR SINGLE-SEX EDUCATIONAL
13 HOUSING; TO CREATE NEW SECTION 29-18-13, MISSISSIPPI CODE OF 1972,
14 TO REQUIRE SINGLE-SEX SOCIAL SORORITIES AND FRATERNITIES TO COMPLY
15 WITH THE DEFINITIONS OF THIS ACT TO DESIGNATE HOUSING; TO CREATE
16 NEW SECTION 29-18-15, MISSISSIPPI CODE OF 1972, TO REGULATE HOW
17 PERSONS ENTER A SINGLE-SEX RESTROOM, CHANGING FACILITY OR
18 EDUCATIONAL HOUSING SPACE; TO CREATE NEW SECTION 29-18-17,
19 MISSISSIPPI CODE OF 1972, TO REQUIRE GOVERNMENTAL ENTITIES TO
20 ESTABLISH REGULATIONS WITH DISCIPLINARY PROCEDURES IN CONFORMITY
21 WITH THIS ACT; TO CREATE NEW SECTION 29-18-19, MISSISSIPPI CODE OF
22 1972, TO PROVIDE THAT A PERSON WHO WILLFULLY ENTERS A SPACE IN
23 VIOLATION OF THIS ACT SHALL BE COMMITTING THE OFFENSE OF TRESPASS;
24 TO CREATE NEW SECTION 29-18-21, MISSISSIPPI CODE OF 1972, TO
25 REQUIRE GOVERNMENTAL ENTITIES TO PROVIDE A REPORT TO THE SPEAKER,
26 LIEUTENANT GOVERNOR AND GOVERNOR WITH CERTAIN INFORMATION; TO
27 CREATE NEW SECTION 29-18-23, MISSISSIPPI CODE OF 1972, TO
28 AUTHORIZE ASSERTION OF A VIOLATION OF THIS ACT; TO CREATE NEW
29 SECTION 29-18-25, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE
30 ATTORNEY GENERAL TO BRING ACTION REGARDING THE PROVISIONS OF THIS
31 ACT; TO CREATE NEW SECTION 29-18-27, MISSISSIPPI CODE OF 1972, TO
32 REGULATE DISAGGREGATION OF STATE OR LOCAL GOVERNMENTAL DATA; TO
33 CREATE NEW SECTION 1-3-83, MISSISSIPPI CODE OF 1972, TO DEFINE
34 FEMALE, MALE AND CERTAIN OTHER TERMS; AND FOR RELATED PURPOSES.



35 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

36 **SECTION 1.** The following shall be codified as Section
37 29-18-1, Mississippi Code of 1972:

38 29-18-1. This act shall be known and may be cited as
39 "Securing Areas for Females Effectively and Responsibly Act" or
40 the "SAFER Act."

41 **SECTION 2.** The following shall be codified as Section
42 29-18-3, Mississippi Code of 1972:

43 29-18-3. **Legislative Findings; Intermediate Scrutiny.** (1)
44 The Legislature finds that females and males should be provided
45 areas, including restrooms, changing facilities and single-sex
46 educational housing spaces, for their exclusive use, respective to
47 their sex, in order to maintain privacy, safety, decency, and
48 decorum.

49 (2) There are important governmental reasons to distinguish
50 between the sexes with respect to spaces such as prisons,
51 detention facilities, domestic violence shelters, rape crisis
52 centers, locker rooms, restrooms, dormitories and other areas
53 where biology, safety, and/or privacy are implicated. As such,
54 policies and laws that distinguish between the sexes are subject
55 to intermediate constitutional scrutiny, which forbids unfair
56 discrimination against similarly situated males and females but
57 allows the law to distinguish between the sexes where such
58 distinctions are substantially related to important governmental
59 objectives.



60 **SECTION 3.** The following shall be codified as Section
61 29-18-5, Mississippi Code of 1972:

62 29-18-5. **Chapter Definitions.** For purposes of this act, the
63 following terms shall have the meanings ascribed herein:

64 (a) "Changing facility" means a space designated for
65 multiple individuals to dress or undress within the same space,
66 including, but not limited to, a dressing room, fitting room,
67 locker room, changing room, or shower room. This term does not
68 include a unisex changing facility.

69 (b) "Single-sex educational housing space" means a
70 separate room or area located within a public building functioning
71 as housing for student residents at an educational institution and
72 designated for use or occupancy only for members of one (1) sex,
73 but excludes common areas designated for use by members of both
74 sexes.

75 (c) "Public building" means any building, facility or
76 space owned, controlled, operated, rented or leased by, or rented
77 or leased to, any state agency, county, municipality, political
78 subdivision of the state, public university, public community or
79 junior college and the institutions of higher learning.

80 (d) "Restroom" means a space designated for multiple
81 individuals that includes toilets and/or urinals. This term does
82 not include a unisex restroom.

83 (e) "Unisex changing facility" means a room intended
84 for a single occupant or a family in which one or more persons may



85 be in a state of undress, including, but not limited to, a
86 dressing room, fitting room, locker room, changing room, or shower
87 room that is enclosed by floor-to-ceiling walls and accessed by a
88 full door with a secure lock that prevents another individual from
89 entering while the changing facility is in use.

90 (f) "Unisex restroom" means a room that includes a
91 toilet or urinal and that is intended for a single occupant or a
92 family, is enclosed by floor-to-ceiling walls, and is accessed by
93 a full door with a secure lock that prevents another individual
94 from entering while the room is in use.

95 **SECTION 4.** The following shall be codified as Section
96 29-18-7, Mississippi Code of 1972:

97 29-18-7. **Protection of Restroom Privacy.** Any public
98 building that maintains a restroom shall, at a minimum, have:

- 99 (1) A restroom designated for exclusive use by females and a
100 restroom designated for exclusive use by males; or
101 (2) A unisex restroom.

102 **SECTION 5.** The following shall be codified as Section
103 29-18-9, Mississippi Code of 1972:

104 29-18-9. **Protection of Changing Room Privacy.** Any public
105 building that maintains a changing facility must, at a minimum,
106 have:

- 107 (a) A changing facility designated for exclusive use by
108 females and a changing facility designated for exclusive use by
109 males; or



110 (b) A unisex changing facility.

111 **SECTION 6.** The following shall be codified as Section
112 29-18-11, Mississippi Code of 1972:

113 29-18-11. **Protection of Single-Sex Educational Housing Space**
114 **Privacy.** Any public building that functions as housing for
115 student residents at an educational institution shall provide
116 students the option to be housed only in a single-sex educational
117 housing space with persons of the same sex.

118 **SECTION 7.** The following shall be codified as Section
119 29-18-13, Mississippi Code of 1972:

120 29-18-13. **Social Fraternity and Sorority Single-Sex Housing**
121 **Facilities on Public Lands Shall Comply With State Law.** Social
122 fraternities and sororities at educational institutions that have
123 and operate single-sex housing facilities located on public land
124 shall comply with the definitions contained within this act for
125 purposes of maintaining such facilities as single sex only.

126 **SECTION 8.** The following shall be codified as Section
127 29-18-15, Mississippi Code of 1972:

128 29-18-15. **Permissible Purposes to Enter Sex-Designated**
129 **Restrooms, Changing Facilities or Single-Sex Educational Housing**
130 **Spaces.** For purposes of this act, a person may not enter a
131 restroom, changing facility, or single-sex educational housing
132 space, designated for the opposite sex, except under the following
133 circumstances:



134 (1) To accompany a person of the opposite sex for the
135 purpose of assisting or chaperoning a child under the age of
136 twelve (12), a vulnerable person as defined in Section 43-47-5, or
137 a person with a disability as defined in Section 43-6-203(b);

138 (2) For law enforcement, fire protection or response, or
139 other public safety purposes;

140 (3) For governmental purposes, including employees or
141 contractors of governmental entities acting within the scope of
142 their employment or contract;

143 (4) For the purpose of rendering emergency medical
144 assistance or to intervene in any other emergency situation where
145 the health or safety of another person is at risk;

146 (5) For custodial, maintenance, or inspection purposes,
147 provided that the restroom or changing facility is not in use;

148 (6) If the appropriate designated restroom or changing
149 facility is out of order or under repair and the restroom or
150 changing facility designated for the opposite sex contains no
151 person of the opposite sex;

152 (7) A parent, guardian or sibling of a student living in a
153 single-sex educational housing space to assist in moving or health
154 purposes.

155 **SECTION 9.** The following shall be codified as Section
156 29-18-17, Mississippi Code of 1972:

157 29-18-17. **Implementing Regulations.** The applicable
158 governmental entity for each public building under its ownership,



159 control or lease shall, within ninety (90) days, establish
160 regulations and disciplinary procedures for any person who
161 willfully enters, for a purpose other than those listed in Section
162 29-18-15, a restroom, changing facility or single-sex dormitory
163 space designated for the opposite sex on the premises of the
164 public building and refuses to depart when asked to do so by any
165 employee or contractor of the owner, lessee or lessor of the
166 public building.

167 **SECTION 10.** The following shall be codified as Section
168 29-18-19, Mississippi Code of 1972:

169 29-18-19. A person who willfully enters, for a purpose other
170 than those listed in Section 29-18-11, a restroom, changing
171 facility or single-sex dormitory space designated for the opposite
172 sex on the premises of a public building and refuses to depart
173 when asked to do so by an employee or contractor of the owner,
174 lessee or lessor of a public building commits the offense of
175 trespass as provided in Section 97-17-97.

176 **SECTION 11.** The following shall be codified as Section
177 29-18-21, Mississippi Code of 1972:

178 29-18-21. **Reporting.** On July 1, 2025, and annually on July
179 1 thereafter, the applicable governmental entity for each public
180 building under its ownership, control or lease shall provide a
181 report and documentation to the Speaker of the Mississippi House
182 of Representatives, the Lieutenant Governor, and the Governor,
183 regarding compliance with this chapter as applicable.



184 **SECTION 12.** The following shall be codified as Section
185 29-18-23, Mississippi Code of 1972:

186 29-18-23. **Private Enforcement.** (1) A person may assert a
187 violation of this act as a claim or defense in a judicial or
188 administrative proceeding and obtain compensatory damages,
189 punitive damages, injunctive relief, declaratory relief, or any
190 other appropriate relief. Such claim may be brought against any
191 applicable governmental entity for each public building under its
192 ownership, control or lease which caused or contributed to a
193 violation of this act.

194 (2) Any person under eighteen (18) years of age may bring an
195 action at any time to assert a violation of this act through a
196 parent or next friend and may bring an action in their own name
197 upon reaching the age of eighteen (18) years of age.

198 (3) Notwithstanding any other provision of law, an action
199 under this act may be commenced, and relief may be granted, in a
200 judicial proceeding without regard to whether the person
201 commencing the action has sought or exhausted available
202 administrative remedies.

203 (4) In any action or proceeding to enforce a provision of
204 this act, a prevailing party who establishes a violation of this
205 chapter shall recover reasonable attorney's fees.

206 **SECTION 13.** The following shall be codified as Section
207 29-18-25, Mississippi Code of 1972:



208 29-18-25. **Attorney General Enforcement.** (1) The Attorney
209 General shall bring an action to enforce compliance with this act.

210 (2) This act shall not be construed to deny, impair, or
211 otherwise affect any right or authority of the Attorney General,
212 the State of Mississippi, or any agency, officer, or employee of
213 the state, acting under any law other than this act, to institute
214 or intervene in any proceeding.

215 **SECTION 14.** The following shall be codified as Section
216 29-18-27, Mississippi Code of 1972:

217 29-18-27. **Data Disaggregation.** When the state or a local
218 governmental entity gathers data of individuals that is
219 disaggregated by sex, the state or local governmental entity shall
220 disaggregate the data of individuals by sex as either male or
221 female as defined in Chapter 3, Title 1, Mississippi Code of 1972.

222 **SECTION 15.** The following shall be codified as Section
223 1-3-83, Mississippi Code of 1972:

224 1-3-83. **Female, Male, Sex of Natural Persons, Girl, Boy,**
225 **Woman, Man, Mother, Father.** (1) "Female" means an individual who
226 naturally has, had, will have, or would have, but for a
227 developmental or genetic anomaly or historical accident, the
228 reproductive system that at some point produces, transports, and
229 utilizes eggs for fertilization.

230 (2) "Male" means an individual who naturally has, had, will
231 have, or would have, but for a developmental or genetic anomaly or



232 historical accident, the reproductive system that at some point
233 produces, transports, and utilizes sperm for fertilization.

234 (3) "Sex," when used to classify a natural person, means the
235 biological indication of male and female as observed or clinically
236 verified at birth, without regard to an individual's "gender
237 identity" or any other terms intended to convey a person's
238 psychological, chosen, or subjective experience or sense of self.

239 (4) "Girl" is defined as a minor human female.

240 (5) "Boy" is defined as a minor human male.

241 (6) "Woman" is defined as an adult human female.

242 (7) "Man" is defined as an adult human male.

243 (8) "Mother" is defined as a female parent.

244 (9) "Father" is defined as a male parent.

245 (10) The following additional provisions apply to the use of
246 "sex" and related terms:

247 (a) There are only two sexes, and every individual is
248 either male or female.

249 (b) "Sex" is objective and fixed.

250 (c) Persons with "DSD conditions" (sometimes referred
251 to as "differences in sex development", "disorders of sex
252 development", or "intersex conditions") are not members of a third
253 sex.

254 (d) The foregoing definition of "sex," for purposes of
255 state law, neither requires nor precludes the accommodation of
256 persons with a congenital and physically verifiable diagnosis of



257 "DSD condition" (sometimes referred to as "differences in sex
258 development", "disorders of sex development", or "intersex
259 conditions"); however, such accommodation may be required by
260 federal law.

261 (e) "Gender identity" and other such subjective terms
262 shall not be construed as synonyms or substitutes for "sex."

263 **SECTION 16. Severability.** Any provision of this act is held
264 to be invalid or unenforceable by its terms, or as applied to any
265 person or circumstance, shall be construed so as to give it the
266 maximum effect permitted by law, unless such holding shall be one
267 of utter invalidity or unenforceability, in which event such
268 provision shall be deemed severable herefrom and shall not affect
269 the remainder hereof or the application of such provision to other
270 persons not similarly situated or to other, dissimilar
271 circumstances.

272 **SECTION 17.** This act shall take effect and be in force from
273 and after its passage.

