

**Adopted
AMENDMENT NO 1 PROPOSED TO**

House Bill No. 585

BY: Representatives Newman, Currie

1 **AMEND** by inserting the following language after line 106 and
2 by renumbering the succeeding section:

3 **SECTION 7.** (1) For purposes of this section, the following
4 terms shall have the meanings ascribed herein:

5 (a) "Institution of higher education" means any state
6 institution of higher learning or public community or junior
7 college.

8 (b) "Single-sex educational housing space" means a
9 separate room or area located within an institution of higher
10 education functioning as housing for student residents at an
11 educational institution and designated for use or occupancy only
12 for members of one (1) sex, but excludes common areas designated
13 for use by members of both sexes.



14 (c) "Public building" means any building, facility or
15 space owned, controlled, operated, rented or leased by, or rented
16 or leased to a public university, public community or junior
17 college and the institutions of higher learning.

18 (d) "Restroom" means a space designated for multiple
19 individuals at an institution of higher education that includes
20 toilets and/or urinals. This term does not include a unisex
21 restroom.

22 (f) "Unisex restroom" means a room at an institution of
23 higher education that includes a toilet or urinal and that is
24 intended for a single occupant or a family, is enclosed by
25 floor-to-ceiling walls, and is accessed by a full door with a
26 secure lock that prevents another individual from entering while
27 the room is in use.

28 (2) Any single-sex education housing space that maintains a
29 restroom shall, at a minimum, have:

30 (a) A restroom designated for exclusive use by females
31 and a restroom designated for exclusive use by males; or

32 (b) A unisex restroom.

33 (3) Any public building that functions as housing for
34 student residents at an institution of higher education shall
35 provide students the option to be housed only in a single-sex
36 educational housing space with persons of the same sex.

37 (4) Social fraternities and sororities at institutions of
38 higher learning that have and operate single-sex housing



39 facilities located on public land shall comply with the
40 definitions contained within this act for purposes of maintaining
41 such facilities as single sex only.

42 (5) A person may not enter a single-sex educational housing
43 space, designated for the opposite sex, except under the following
44 circumstances:

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

49 (b) For law enforcement, fire protection or response,
50 or other public safety purposes;

51 (c) For governmental purposes, including employees or
52 contractors of governmental entities acting within the scope of
53 their employment or contract;

54 (d) For the purpose of rendering emergency medical
55 assistance or to intervene in any other emergency situation where
56 the health or safety of another person is at risk;

57 (e) For custodial, maintenance, or inspection purposes,
58 provided that the restroom or changing facility is not in use;

59 (f) If the appropriate designated restroom or changing
60 facility is out of order or under repair and the restroom or
61 changing facility designated for the opposite sex contains no
62 person of the opposite sex;



63 (g) A parent, guardian or sibling of a student living
64 in a single-sex educational housing space to assist in moving or
65 health purposes.

66 (6) The applicable governmental entity for each public
67 building that is utilized by an institution of higher education
68 for a single-sex educational housing space under its ownership,
69 control or lease shall, within ninety (90) days, establish
70 regulations and disciplinary procedures for any person who
71 willfully enters, for a purpose other than those listed in Section
72 29-18-15, a single-sex dormitory space designated for the opposite
73 sex on the premises of the public building and refuses to depart
74 when asked to do so by any employee or contractor of the owner,
75 lessee or lessor of the public building.

76 (7) A person who willfully enters, for a purpose other than
77 those listed in Section 29-18-11, a single-sex dormitory space
78 designated for the opposite sex on the premises of a public
79 building and refuses to depart when asked to do so by an employee
80 or contractor of the owner, lessee or lessor of a public building
81 that is utilized as a single-sex educational housing space commits
82 the offense of trespass as provided in Section 97-17-97.

83 (8) (a) A person may assert a violation of this act as a
84 claim or defense in a judicial or administrative proceeding and
85 obtain compensatory damages, punitive damages, injunctive relief,
86 declaratory relief, or any other appropriate relief. Such claim
87 may be brought against any applicable governmental entity for each



88 public building that is utilized as a single-sex educational
89 housing space under its ownership, control or lease which caused
90 or contributed to a violation of this act.

91 (b) Any person under eighteen (18) years of age may
92 bring an action at any time to assert a violation of this act
93 through a parent or next friend and may bring an action in their
94 own name upon reaching the age of eighteen (18) years of age.

95 (c) Notwithstanding any other provision of law, an
96 action under this act may be commenced, and relief may be granted,
97 in a judicial proceeding without regard to whether the person
98 commencing the action has sought or exhausted available
99 administrative remedies.

100 (9) In any action or proceeding to enforce a provision of
101 this act, a prevailing party who establishes a violation of this
102 chapter shall recover reasonable attorney's fees.

103 (10) The Attorney General shall bring an action to enforce
104 compliance with this act. This act shall not be construed to
105 deny, impair, or otherwise affect any right or authority of the
106 Attorney General, the State of Mississippi, or any agency,
107 officer, or employee of the state, acting under any law other than
108 this act, to institute or intervene in any proceeding.

109 (11) Any provision of this section is held to be invalid or
110 unenforceable by its terms, or as applied to any person or
111 circumstance, shall be construed so as to give it the maximum
112 effect permitted by law, unless such holding shall be one of utter



113 invalidity or unenforceability, in which event such provision
114 shall be deemed severable herefrom and shall not affect the
115 remainder hereof or the application of such provision to other
116 persons not similarly situated or to other, dissimilar
117 circumstances."
118

119 **AMEND further** the title on line 13 by inserting the following
120 language after the semicolon:

121 "TO REGULATE PUBLIC STUDENT HOUSING FOR SINGLE-SEX EDUCATIONAL
122 HOUSING; TO REGULATE HOW PERSONS ENTER A SINGLE-SEX EDUCATIONAL
123 HOUSING SPACE; TO REQUIRE GOVERNMENTAL ENTITIES TO ESTABLISH
124 CERTAIN REGULATIONS WITH CERTAIN DISCIPLINARY PROCEDURES ; TO
125 PROVIDE THAT A PERSON WHO WILLFULLY ENTERS A SINGLE-SEX
126 EDUCATIONAL HOUSING SPACE, WHEN SUCH ENTRANCE IS PROHIBITED, SHALL
127 BE COMMITTING THE OFFENSE OF TRESPASS; TO AUTHORIZE ASSERTION OF A
128 VIOLATION OF THIS ACT; TO AUTHORIZE THE ATTORNEY GENERAL TO BRING
129 ACTION UNDER CERTAIN CIRCUMSTANCES;"

