

House Amendments to Senate Bill No. 2753

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 2

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

32 **SECTION 1.** The following shall be codified as Section
33 29-18-1, Mississippi Code of 1972:

34 29-18-1. This act shall be known and may be cited as
35 "Securing Areas for Females Effectively and Responsibly Act" or
36 the "SAFER Act."

37 **SECTION 2.** The following shall be codified as Section
38 29-18-3, Mississippi Code of 1972:

39 29-18-3. **Legislative findings; intermediate scrutiny.** (1)
40 The Legislature finds that females and males should be provided
41 areas, including restrooms, changing facilities and single-sex
42 educational housing spaces, for their exclusive use, respective to
43 their sex, in order to maintain privacy and safety.

44 (2) There are important governmental reasons to distinguish
45 between the sexes with respect to spaces where biology, safety,
46 and/or privacy are implicated. As such, policies and laws that
47 distinguish between the sexes are subject to intermediate
48 constitutional scrutiny, which forbids unfair discrimination

49 against similarly situated males and females but allows the law to
50 distinguish between the sexes where such distinctions are
51 substantially related to important governmental objectives.

52 **SECTION 3.** The following shall be codified as Section
53 29-18-5, Mississippi Code of 1972:

54 29-18-5. **Chapter definitions.** For purposes of this act, the
55 following terms shall have the meanings ascribed herein:

56 (a) "Changing facility" means a space designated for
57 multiple individuals to dress or undress within the same space,
58 including, but not limited to, a dressing room, locker room,
59 changing room, or shower room. This term does not include a
60 unisex changing facility.

61 (b) "Single-sex educational housing space" means a
62 separate room or area located within a public building functioning
63 as housing for student residents at an educational institution and
64 designated for use or occupancy only for members of one (1) sex,
65 but excludes common areas designated for use by members of both
66 sexes.

67 (c) "Public building" means any building, facility or
68 space owned, operated, rented or leased by, or rented or leased to
69 any state agency, public university, public community or junior
70 college and the institutions of higher learning.

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

74 (e) "Unisex changing facility" means a room intended
75 for a single occupant or a family in which one or more persons may
76 be in a state of undress, including, but not limited to, a
77 dressing room, locker room, changing room, or shower room that is
78 enclosed by floor-to-ceiling walls and accessed by a full door
79 with a secure lock that prevents another individual from entering
80 while the changing facility is in use.

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

86 **SECTION 4.** The following shall be codified as Section
87 29-18-7, Mississippi Code of 1972:

88 29-18-7. **Protection of restroom privacy.** Any public
89 building that maintains a restroom shall, at a minimum, have:

90 (a) A restroom designated for exclusive use by females
91 and a restroom designated for exclusive use by males; or

92 (b) A unisex restroom.

93 **SECTION 5.** The following shall be codified as Section
94 29-18-9, Mississippi Code of 1972:

95 29-18-9. **Protection of changing room privacy.** Any public
96 building that maintains a changing facility must, at a minimum,
97 have:

98 (a) A changing facility designated for exclusive use by
99 females and a changing facility designated for exclusive use by
100 males; or

101 (b) A unisex changing facility.

102 **SECTION 6.** The following shall be codified as Section
103 29-18-11, Mississippi Code of 1972:

104 29-18-11. **Protection of single-sex educational housing space**
105 **privacy.** Any student required to reside in housing at an
106 educational institution shall have the right to be housed in a
107 single-sex educational housing space with persons of the same sex.

108 **SECTION 7.** The following shall be codified as Section
109 29-18-13, Mississippi Code of 1972:

110 29-18-13. **Social fraternity and sorority single-sex housing**
111 **facilities on public lands shall comply with state law.** Social
112 fraternities and sororities at educational institutions that have
113 and operate single-sex housing facilities located on public land
114 shall comply with the definitions contained within this act for
115 purposes of maintaining such facilities as single sex only.

116 **SECTION 8.** The following shall be codified as Section
117 29-18-15, Mississippi Code of 1972:

118 29-18-15. **Permissible purposes to enter sex-designated**
119 **restrooms, changing facilities or single-sex educational housing**
120 **spaces.** For purposes of this act, a person may not enter a
121 restroom, changing facility, or single-sex educational housing
122 space, designated for the opposite sex, except under the following
123 circumstances:

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

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

130 (c) For governmental purposes, including employees or
131 contractors of governmental entities acting within the scope of
132 their employment or contract;

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

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

138 (f) If the appropriate designated restroom or changing
139 facility is out of order or under repair and the restroom or
140 changing facility designated for the opposite sex contains no
141 person of the opposite sex; or

142 (g) In single-sex educational housing spaces as
143 authorized by educational institutions for moving, visiting,
144 administrative, health, or other authorized purposes.

145 **SECTION 9.** The following shall be codified as Section
146 29-18-17, Mississippi Code of 1972:

147 29-18-17. **Private enforcement.** (1) A person may assert a
148 violation of this act as a claim or defense in a judicial or
149 administrative proceeding.

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

154 (3) No private cause of action against a state agency,
155 public university, public community college or junior college, or
156 the institutions of higher learning is authorized by this act.

157 **SECTION 10.** The following shall be codified as Section
158 29-18-19, Mississippi Code of 1972:

159 29-18-19. **Attorney General enforcement.** (1) The Attorney
160 General shall bring an action to enforce compliance with this act.

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

166 **SECTION 11.** The following shall be codified as Section
167 1-3-83, Mississippi Code of 1972:

168 1-3-83. **Female, male, sex of natural persons.** (1) "Female"
169 means an individual who naturally has, had, will have, or would
170 have, but for a developmental or genetic anomaly or historical
171 accident, the reproductive system that at some point produces,
172 transports, and utilizes eggs for fertilization.

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

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

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

182 (4) The following additional provisions apply to the use of
183 "sex" and related terms:

184 (a) There are only two (2) sexes, and every individual
185 is either male or female.

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

187 (c) Persons with "DSD conditions" (sometimes referred
188 to as "differences in sex development", "disorders of sex
189 development", or "intersex conditions") are not members of a third
190 sex.

191 (d) The foregoing definition of "sex," for purposes of
192 state law, neither requires nor precludes the accommodation of
193 persons with a congenital and physically verifiable diagnosis of
194 "DSD condition" (sometimes referred to as "differences in sex
195 development", "disorders of sex development", or "intersex
196 conditions"); however, such accommodation may be required by
197 federal law.

198 **SECTION 12. Severability.** Any provision of this act is held
199 to be invalid or unenforceable by its terms, or as applied to any
200 person or circumstance, shall be construed so as to give it the

201 maximum effect permitted by law, unless such holding shall be one
202 of utter invalidity or unenforceability, in which event such
203 provision shall be deemed severable herefrom and shall not affect
204 the remainder hereof or the application of such provision to other
205 persons not similarly situated or to other, dissimilar
206 circumstances.

207 **SECTION 13.** The following words and phrases shall have the
208 meanings ascribed herein, unless the context indicates otherwise:

209 (a) "Child" means an individual under the age of
210 eighteen (18).

211 (b) "Parent" means a biological parent of a child, an
212 adoptive parent of a child, or an individual who has been granted
213 exclusive right and authority over the welfare of a child under
214 state law.

215 **SECTION 14.** (1) The state, any political subdivision of the
216 state, or any other governmental entity shall not substantially
217 burden the fundamental right of a parent to direct the upbringing,
218 education, health care, and mental health of that parent's child
219 without demonstrating that the burden is required by a compelling
220 governmental interest of the highest order as applied to the
221 parent and the child and is the least restrictive means of
222 furthering that compelling governmental interest.

223 (2) Except as otherwise provided by law or court order, a
224 person, private entity, government entity, or any employee or
225 agent of any private or government entity must obtain the consent
226 of a parent of a child before taking any of the following actions:

227 (a) Procuring, soliciting to perform, arranging for the
228 performance of, providing a referral for, or performing surgical
229 procedures upon a child;

230 (b) Procuring, soliciting to perform, arranging for the
231 performance of, providing a referral for, or performing a physical
232 or medical examination upon a child;

233 (c) Prescribing or dispensing any prescription drug or
234 medication to a child; or

235 (d) Procuring, soliciting to perform, arranging for the
236 performance of, providing a referral for, or performing a mental
237 health evaluation in a clinical or nonclinical setting or mental
238 health treatment on a child.

239 (3) This section shall not apply if:

240 (a) A parent of the child has given a blanket consent
241 authorizing the person or entity to perform an activity listed in
242 subsection (2) (a) of this act; or

243 (b) It has been reasonably determined by the person or
244 entity that an emergency exists and either of the following
245 conditions is true:

246 (i) It is necessary to perform an activity listed
247 in subsection (2) (a) in order to prevent death or imminent,
248 irreparable physical injury to the child, or

249 (ii) A parent of the child cannot be located or
250 contacted after a reasonably diligent effort.

251 (c) The person or entity has reason to believe that a
252 parent or both parents have perpetrated abuse against the child,

253 or has failed to protect the child from abuse perpetrated by a
254 third party.

255 (4) This section does not authorize or allow a parent to
256 abuse or neglect a child as defined herein. This section does not
257 apply to a parental action or decision that would end life. The
258 provisions of this section do not apply to an abortion, which
259 shall be governed by state law. This section does not prohibit a
260 court from issuing an order that is otherwise permitted by law.

261 (5) Upon request of a parent, a physician and any other
262 medical provider shall provide the parent with medical information
263 or records of a child. Physicians and medical providers shall not
264 withhold any medical information or records from parents of a
265 child when a parent requests such from the physician or medical
266 provider.

267 (6) A parent may bring suit for any violation of this
268 Section and may raise this Section as a defense in any judicial or
269 administrative proceeding without regard to whether the proceeding
270 is brought by or in the name of the government, any private
271 person, or any other party.

272 (a) A parent who successfully asserts a claim or
273 defense under this Act may recover declaratory relief, injunctive
274 relief, compensatory damages, reasonable attorneys' fees and
275 costs, and any other appropriate relief.

276 (b) A government entity shall indemnify its employees
277 for any liability incurred by the employee and for any judgment
278 entered against the employee for claims arising under this

279 section; provided, however, that a government entity does not have
280 to indemnify an employee if the employee was convicted of a
281 criminal violation for the conduct from which the claim arises.

282 **SECTION 15.** This act shall take effect and be in force from
283 and after July 1, 2025, and shall stand repealed on June 30, 2025.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 CERTAIN PUBLIC BUILDINGS TO HAVE EXCLUSIVE MALE
8 AND/OR FEMALE RESTROOMS OR UNISEX RESTROOMS AT A MINIMUM; TO
9 CREATE NEW SECTION 29-18-9, MISSISSIPPI CODE OF 1972, TO REQUIRE
10 CHANGING FACILITIES TO BE EXCLUSIVE MALE AND/OR FEMALE OR UNISEX
11 AT A MINIMUM; TO CREATE NEW SECTION 29-18-11, MISSISSIPPI CODE OF
12 1972, TO REGULATE PUBLIC STUDENT HOUSING FOR SINGLE-SEX
13 EDUCATIONAL HOUSING; TO CREATE NEW SECTION 29-18-13, MISSISSIPPI
14 CODE OF 1972, TO REQUIRE SINGLE-SEX SOCIAL SORORITIES AND
15 FRATERNITIES TO COMPLY WITH THE DEFINITIONS OF THIS ACT TO
16 DESIGNATE HOUSING; TO CREATE NEW SECTION 29-18-15, MISSISSIPPI
17 CODE OF 1972, TO REGULATE HOW PERSONS ENTER A SINGLE-SEX RESTROOM,
18 CHANGING FACILITY OR EDUCATIONAL HOUSING SPACE; TO CREATE NEW
19 SECTION 29-18-17, MISSISSIPPI CODE OF 1972, TO AUTHORIZE ASSERTION
20 OF A VIOLATION OF THIS ACT; TO CREATE NEW SECTION 29-18-19,
21 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ATTORNEY GENERAL TO
22 BRING ACTION REGARDING THE PROVISIONS OF THIS ACT; TO CREATE NEW
23 SECTION 1-3-83, MISSISSIPPI CODE OF 1972, TO DEFINE THE TERMS
24 FEMALE, MALE AND SEX; TO CREATE "THE FAMILIES' RIGHTS AND
25 RESPONSIBILITIES ACT"; TO PROVIDE THE DEFINITIONS FOR THE ACT; TO
26 PROHIBIT THE STATE OR ANY OTHER GOVERNMENTAL ENTITY FROM
27 SUBSTANTIALLY BURDENING A PARENT'S FUNDAMENTAL RIGHT TO DIRECT THE
28 UPBRINGING OF HIS OR HER CHILD; TO PROVIDE EXCEPTIONS TO THE
29 PROHIBITION; TO PROVIDE THAT THIS ACT DOES NOT GIVE A PARENT A
30 RIGHT TO ABUSE HIS OR HER CHILD; AND FOR RELATED PURPOSES.

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Andrew Ketchings
Clerk of the House of Representatives