

ENROLLED ACT NO. 48, HOUSE OF REPRESENTATIVES

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING  
2025 GENERAL SESSION

AN ACT relating to the administration of the government; specifying requirements for the use of sex-designated restrooms, showers, sleeping quarters and locker room facilities at public facilities; providing for complaints and civil actions; specifying duties for public entities; providing definitions; making conforming amendments; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 1-39-124 and 9-25-101 through 9-25-103 are created to read:

**1-39-124. Liability; sex-designated facilities.**

A governmental entity is liable for damages resulting from a violation of W.S. 9-25-101 through 9-25-103 in accordance with W.S. 9-25-101 through 9-25-103.

CHAPTER 25

CHANGING AREA AND RESTROOM REQUIREMENTS

**9-25-101. Definitions.**

(a) As used in this chapter:

(i) "Changing area" means an area in a public facility in which a person may be in a state of undress in the presence of others, including a changing room, locker room or shower room;

(ii) "Correctional facility" means a state penal institution, correctional facility operated by a private

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entity under W.S. 7-22-102, the Wyoming boys' school and the Wyoming girls' school;

(iii) "Educational facility" means the University of Wyoming and a Wyoming community college and any facility owned, operated or leased by the University of Wyoming or a Wyoming community college. "Educational facility" shall not include any multi-occupancy changing area, restroom or sleeping quarters located inside a space that an educational facility utilizes as a private residence or as reservable commercial lodging;

(iv) "Female" means a person who has, had, will have or would have had, but for a congenital anomaly or intentional or unintentional disruption, the reproductive system that at some point produces, transports and utilizes eggs for fertilization;

(v) "Governmental entity" means the state, University of Wyoming or any local government but shall not include any school district or any city or county jail where adults are incarcerated or managed youth facility where persons are placed under W.S. 14-6-201 through 14-6-252;

(vi) "Local government" means cities and towns, counties, joint powers boards, airport boards, public corporations, entities formed by a county memorial hospital, special hospital district, rural health care district or senior health care district that are wholly owned by one (1) or more governmental entities, community college districts, special districts and their governing bodies, all political subdivisions of the state, and their agencies, instrumentalities and institutions. "Local government" shall not include any school district or any

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city or county jail where adults are incarcerated or managed youth facility where persons are placed under W.S. 14-6-201 through 14-6-252;

(vii) "Male" means a person who has, had, will have or would have had, but for a congenital anomaly or intentional or unintentional disruption, the reproductive system that at some point produces, transports and utilizes sperm for fertilization;

(viii) "Public facility" means any building or facility owned, operated or leased by a governmental entity and shall include correctional facilities and educational facilities. "Public facility" shall not include any multi-occupancy changing area, restroom or sleeping quarters located inside a space that a governmental entity or public facility utilizes as a private residence or as reservable commercial lodging;

(ix) "Restroom" means a room or facility that includes one (1) or more toilets or urinals;

(x) "Sex" means a person's biological sex, either male or female;

(xi) "Sleeping quarters" means an area with at least one (1) bed or cot and in which more than one (1) person is housed overnight.

**9-25-102. Public facilities; changing areas exclusively for members of a single sex.**

(a) In each public facility:

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(i) Every multi-occupancy changing area, restroom and sleeping quarters shall be designated for use exclusively by males or exclusively by females;

(ii) Every multi-occupancy changing area, restroom and sleeping quarters designated for one (1) sex shall be used only by members of that sex.

(b) In each public facility, no person shall enter a changing area, restroom or sleeping quarters that is designated for males or females unless the person is a member of that sex.

(c) Nothing in this section shall be construed to prohibit the administrator of a public facility from providing a reasonable accommodation for a person. For purposes of this subsection, a reasonable accommodation shall not include access to a multi-occupancy changing area, restroom, or sleeping quarters designated for the opposite sex.

(d) Subsections (a) and (b) of this section shall not apply to:

(i) Single-occupancy changing areas, restrooms or sleeping quarters that are conspicuously designated for unisex use;

(ii) An employee who enters the changing area, restroom or sleeping quarters to clean, maintain or inspect a changing area, restroom or sleeping quarters when the changing area, restroom or sleeping quarters is not occupied;

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(iii) A person who enters a changing area, restroom or sleeping quarters to render medical assistance or caregiving assistance;

(iv) A person or employee who enters the changing area, restroom or sleeping quarters while in the performance of the person's or employee's official duties;

(v) Any time during an ongoing natural disaster or emergency or when necessary to prevent a serious threat to public health or safety;

(vi) Changing areas, restrooms or sleeping quarters that have been temporarily designated for use by that person's sex;

(vii) A coach and members of an athletic team or activity that includes members of both the male and female sexes present in a changing area or restroom during an athletic activity, in accordance with all of the following:

(A) Another suitable changing area or restroom is not available;

(B) The coach is the coach of an athletic activity or team with members of both the male and female sexes;

(C) All persons in the changing area or restroom are fully clothed;

(D) If available, the coach shall be accompanied by not less than one (1) additional adult at all times in the changing area or restroom, provided that an additional adult shall not be required if members of the

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activity or team of both sexes are present in the changing area or restroom.

(e) In each public facility, a person who, while accessing a changing area or restroom designated for use by the person's sex, encounters another person of the opposite sex in the designated changing area or restroom shall have a cause of action against the public facility that:

(i) Provided the other person permission to use a changing area or restroom of the opposite sex; or

(ii) Failed to take reasonable steps to prohibit the other person from using the changing area or restroom of the opposite sex. Reasonable steps may include but are not limited to posting appropriate signage and adopting policies and procedures for the enforcement of the provisions of this act.

(f) A person who is required by a correctional facility to share sleeping quarters with another person of the opposite sex shall have a cause of action against the correctional facility.

(g) A person aggrieved under this section who prevails in a cause of action brought under this section is entitled to actual damages and may recover reasonable attorney fees and costs from the governmental entity operating the public facility.

**9-25-103. Sex-designated changing areas and privacy spaces in educational facilities.**

(a) In each educational facility:

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(i) Each multi-occupancy changing area, restroom and sleeping quarters shall be designated by the educational facility for use exclusively for males or exclusively for females;

(ii) Every multi-occupancy changing area, restroom and sleeping quarters designated for one (1) sex shall be used only by members of that sex.

(b) In each educational facility, no person shall enter a changing area that is designated for one (1) sex unless that person is a member of that sex.

(c) Each educational facility that offers housing for student residents shall provide students the option to be housed only with persons of the same sex.

(d) During any activity or event authorized by an educational facility where persons share sleeping quarters, no person shall be required to share sleeping quarters with a member of the opposite sex, unless all occupants of the sleeping quarters are members of the same immediate family.

(e) In any other facility or setting in an educational facility where a person may be in a state of undress in the presence of others, the educational facility shall provide separate, private changing areas designated for use by persons based on their sex. Except as provided by subsection (f) of this section, no person shall enter these changing areas unless that person is a member of the designated sex.

(f) This section shall not apply to:

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(i) Single-occupancy changing areas, restrooms or sleeping quarters that are conspicuously designated for unisex or family use;

(ii) Changing areas, restrooms or sleeping quarters that have been temporarily designated for use by that person's sex;

(iii) A person of one (1) sex who uses a single-sex changing area or restroom designated for the opposite sex, if that single-sex changing area or restroom is the only facility reasonably available at the time of the person's use of the changing area or restroom and no members of the opposite sex are present in the changing area or restroom at that time;

(iv) A person employed to clean, maintain or inspect a changing area, restroom or sleeping quarters when the changing area, restroom or sleeping quarters is not occupied;

(v) A person who enters a changing area, restroom or sleeping quarters to render medical assistance or caregiving assistance;

(vi) A person who is in need of assistance and, for the purposes of receiving that assistance, is accompanied by a family member, legal guardian or the person's designee who is a member of the designated sex for the single-sex changing area, restroom or sleeping quarters;

(vii) Any time during an ongoing natural disaster or emergency or when necessary to prevent a serious threat to public health or student safety;



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(viii) A school official or employee who enters the changing area, restroom or sleeping quarters while in the performance of the official's or employee's official duties and who takes reasonable steps to ensure that no person in the room is in a state of undress;

(ix) A coach and members of an athletic team or activity that includes members of both the male and female sexes present in a changing area or restroom during an athletic activity, in accordance with all of the following:

(A) Another suitable changing area or restroom is not available;

(B) The coach is the coach of an athletic activity or team with members of both the male and female sexes;

(C) All persons in the changing area or restroom are fully clothed;

(D) If available, the coach shall be accompanied by not less than one (1) additional adult at all times in the changing area or restroom, provided that an additional adult shall not be required if members of the activity or team of both sexes are present in the changing area or restroom.

(g) Each educational facility shall provide a reasonable accommodation to any person who is unwilling or unable for any reason to use a changing area or restroom designated for the person's sex and located within an educational facility, or multi-occupancy sleeping quarters while attending an activity sponsored by the educational

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facility, and who makes a written request to the educational facility for the reasonable accommodation. A reasonable accommodation granted under this subsection shall not include access to a changing area, restroom or sleeping quarters that is designated for use by members of the opposite sex while persons of the opposite sex are present or could be present.

(h) In each educational facility, any person who, while accessing a changing area, restroom or sleeping quarters designated for use by the person's sex, encounters a person of the opposite sex may bring a cause of action for declaratory and injunctive relief against the educational facility if:

(i) The educational facility gave that person permission to use the changing area or restroom of the opposite sex; or

(ii) The educational facility failed to take reasonable steps to prohibit that person from using the changing area or restroom of the opposite sex.

(j) A person who is required by the educational facility to share sleeping quarters with a person of the opposite sex shall have a private cause of action for declaratory and injunctive relief against the educational facility.

(k) Any action initiated under subsections (h) or (j) of this section shall be in accordance with all of the following:

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(i) Any civil action shall be brought not later than four (4) years after the event creating the cause of action has occurred;

(ii) Any person who prevails in an action brought under subsections (h) or (j) of this section may recover from the educational facility five thousand dollars (\$5,000.00) for each instance that the person encountered a person of the opposite sex while accessing a changing area, restroom or sleeping quarters designated for use by the person's sex;

(iii) The person may also recover monetary damages from the educational facility for all harm suffered;

(iv) Any person who prevails in an action brought under subsections (h) or (j) of this section shall be entitled to recover reasonable attorney fees and costs from the educational facility;

(v) Nothing in this section shall limit any other remedy of law or equity available to the person against the educational facility.

**Section 2.** W.S. 1-39-104(a) is amended to read:

**1-39-104. Granting immunity from tort liability; liability on contracts; exceptions.**

(a) A governmental entity and its public employees while acting within the scope of duties are granted immunity from liability for any tort except as provided by W.S. 1-39-105 through 1-39-112, and 1-39-122 and through ~~1-39-123~~ 1-39-124. Any immunity in actions based on a

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contract entered into by a governmental entity is waived except to the extent provided by the contract if the contract was within the powers granted to the entity and was properly executed and except as provided in W.S. 1-39-120(b). The claims procedures of W.S. 1-39-113 apply to contractual claims against governmental entities.

**Section 3.** This act is effective July 1, 2025.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk