



City Council Staff Report

Date:

7/17/2024

Prepared By: Logan Miner,
Parks and Recreation Director

Public Hearing: No

Attachments:

Resolution

Privacy Compliance Plan

REQUEST

Approve a resolution adopting a Privacy Compliance Plan pursuant to HB 257

BACKGROUND & DESCRIPTION

During the 2024 Utah General Session, the Utah legislature enacted House Bill 257, the Sex-Based Designation for Privacy, Anti-Bullying, And Women's Opportunities Act.

The bill established a standard regarding distinctions on the basis of sex and applies the standard in certain facilities and opportunities where designations on the basis of sex address individual privacy, bullying, and women's opportunities.

The bill took effect on May 1, 2024, and applies to all governmental entity's athletic facilities, programs, and events that are designated for males/females, these are only for the designated sex. Sex designated public changing rooms are limited to where: the individuals sex corresponds with the changing room; or the individual has legally amended their birth certificate and had sex change surgery. Normal exceptions apply such as, young children, dependent adults, public safety, normal maintenance, etc. Governmental entities must contact law enforcement if they receive a complaint or allegation of criminal trespass under the changing room law, also lewdness, voyeurism, loitering in a privacy space, etc.

Law enforcement response related to enforcement of the provisions of this bill should be treated as any other law enforcement action. The appropriate investigation should be conducted, and applicable criminal charges should be applied. The bill specifically identifies Section 76-9-702.7 voyeurism and Section 76-6-206 criminal trespass.

Cities must adopt a privacy compliance plan to address compliance with the governmental entity's duties pursuant to this bill. New construction must have single occupancy facilities. For existing privacy spaces, cities must conduct a feasibility study to determine the feasibility of retrofitting or remodeling space to include: Floor to ceiling walls and doors or similar privacy protections; curtains; or other comparable methods of improving individual privacy.

The Utah State Auditor's Office has responsibility for overseeing and enforcing the privacy space provisions.

RECOMMENDATION

Staff recommends approve a resolution adopting a privacy complaint plan pursuant to HB 257

RESOLUTION NO. 2024-

RESOLUTION ADOPTING A PRIVACY COMPLIANCE PLAN PURSUANT TO HB 257

WHEREAS, the Utah Legislature enacted House Bill 257, known as the Sex-Based Designation for Privacy, Anti-Bullying, and Women's Opportunities Act, effective May 1, 2024; and

WHEREAS, the Act requires governmental entities to establish and enforce standards regarding distinctions on the basis of sex in certain facilities and opportunities to address individual privacy, bullying, and women's opportunities; and

WHEREAS, the Act mandates that sex-designated facilities such as athletic facilities, programs, events, and public changing rooms are restricted to the designated sex unless the individual has legally amended their birth certificate and had sex change surgery; and

WHEREAS, the Act outlines specific exceptions, including young children, dependent adults, public safety, normal maintenance, and other comparable situations; and

WHEREAS, governmental entities are required to contact law enforcement if they receive a complaint or allegation of criminal trespass, lewdness, voyeurism, loitering in a privacy space, or other related offenses; and

WHEREAS, law enforcement response to complaints under this Act should be treated as any other law enforcement action, with appropriate investigations and applicable criminal charges; and

WHEREAS, the Act mandates that cities must adopt a privacy compliance plan and ensure new constructions include single-occupancy facilities, while existing facilities must be assessed for feasibility of retrofitting to improve individual privacy;

NOW THEREFORE, BE IT RESOLVED by the City Council of Mapleton, Utah to adopt a privacy compliance plan pursuant to HB 257 as shown in exhibit A.

This resolution adopted this 17th day of July 2024 by the City Council of Mapleton City, Utah.

Dallas Hakes
Mayor

ATTEST:

Camille Brown
City Recorder

Exhibit A

Privacy Compliance Plan

1. Adopt this privacy plan to comply with [63G-31-304\(2\)\(a\)](#).
2. Include at least one single-occupant bathroom in **all new buildings**.
3. Consider remodeling bathrooms and changing rooms to improve privacy.
Note: No remodeling is required but the City must *consider* the feasibility of floor-to-ceiling walls and doors, curtains, or similar privacy protections.
4. Only allow individuals to access male- or female-only facilities, programs, or events designated for their sex.
5. The City must contact law enforcement if it receives a complaint about lewdness, lewdness involving a child, voyeurism, loitering in a privacy space, or criminal trespass in a changing room.
6. In addition to the above duties, the City must **not**:
 - Provide a male- or female-only facility, program, or event of higher quality than what is offered to the opposite sex.
 - Give one sex preferred scheduling of facilities, programs, or events.
 - Offer greater than 10% more male- or female-only opportunities to one sex than the opposite sex.
 - Require males or females to participate or compete against the opposite sex in any male- or female-only facility, program, or event.
 - Knowingly allow males or females to use male- or female-only facilities in the presence of the opposite sex.