

By: Riddle

H.B. No. 1748

A BILL TO BE ENTITLED

AN ACT

relating to the use of public locker rooms, shower facilities, and toilet facilities; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 341.061, Health and Safety Code, is amended to read as follows:

Sec. 341.061. LOCKER ROOMS, SHOWER FACILITIES, AND TOILET FACILITIES; CRIMINAL PENALTY. (a) An operator, manager, or superintendent of a public building, schoolhouse, theater, filling station, tourist court, bus station, or tavern shall provide and maintain sanitary toilet facilities [~~accommodations~~].

(b) An operator, manager, superintendent, or other person with authority over a building described by Subsection (a) may not allow an individual who is at least seven years of age to repeatedly enter a locker room, shower facility, or toilet facility in the building that is designated for use by persons of a gender that is not the same gender as the individual's gender. A violation of this subsection is a state jail felony.

(c) An individual who is at least 13 years of age may not enter a locker room, shower facility, or toilet facility that is designated for use by persons of a gender that is not the same gender as the individual's gender. A violation of this subsection is a Class A misdemeanor.

(d) It is a defense to prosecution under Subsections (b) and

1 (c) that the individual enters the locker room, shower facility, or  
2 toilet facility for a custodial purpose, to give medical  
3 assistance, or to accompany a child younger than eight years of age  
4 and of a gender that is not the same gender as the individual's  
5 gender.

6 (e) For the purpose of this section, the gender of an  
7 individual is the gender established at the individual's birth or  
8 the gender established by the individual's chromosomes. A male is  
9 an individual with at least one X chromosome and at least one Y  
10 chromosome, and a female is an individual with at least one X  
11 chromosome and no Y chromosomes. If an individual's gender  
12 established at the individual's birth is not the same as the  
13 individual's gender established by the individual's chromosomes,  
14 the individual's gender established by the individual's chromosomes  
15 controls under this section.

16 SECTION 2. This Act takes effect September 1, 2015.