

## STUDENT RESTROOM PRIVACY ACT

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**House Bill 4024 (H-2) as passed by the House**

**Sponsor: Rep. Joseph Fox**

**Committee: Education and Workforce**

**Complete to 9-4-25**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 4024 would create a new act, the Student Restroom Privacy Act, which would require that an *educational institution* require every *multiple occupancy restroom or changing area* to be used by individuals based on the individuals' *sex*.

*Educational institution* would mean a public educational institution or a separate school or department of a public educational institution. This would include an academy, college, elementary or secondary school, extension course, kindergarten, nursery, local school system, or university; a business, nursing, professional, secretarial, technical, or vocational school; an educational institution that receives funds from the state; or an agent of an educational institution.

*Multiple occupancy restroom or changing area* would mean an area in an educational institution designed or designated to be used by more than one student at a time, where students may be in various stages of undress in the presence of other students or individuals. This would include a restroom, locker room, changing room, or shower room.

*Sex* would mean the biological indication of male or female, as listed on an individual's original birth certificate that was issued at or near the time of the individual's birth.

The above requirement would not apply to an individual who enters a multiple occupancy restroom or changing area designated for use by the opposite sex if the individual enters under any of the following circumstances:

- For custodial purposes, if only the individual performing the custodial tasks is present.
- For maintenance or inspection purposes, if only the individual performing the maintenance or inspection is present.
- To render medical assistance.
- To accompany a student needing assistance, if both of the following apply:
  - The assisting individual is an employee of the educational institution or is the student's parent or legal guardian or authorized caregiver.
  - The restroom or changing area is cleared of other students or individuals.
- If the individual is a minor child, to accompany the minor child's parent or guardian into the restroom or changing area of the parent's or guardian's sex.
- When the multiple occupancy restroom or changing area has been temporarily designated for use by those of the individual's sex.

Finally, the bill states that it would not prohibit an educational institution from allowing a single-occupancy restroom or changing area to be used by an individual of either sex.

## **BACKGROUND AND DISCUSSION:**

According to sponsor testimony, the bill is in response to reports of students using bathrooms and changing areas that correspond to their selected gender identity rather than the sex assigned to that student at birth. Supporters of the bill believe that it will help ensure the safety and privacy of students by ensuring a consistent standard across educational institutions.

Opponents of the bill argue that it would violate students' right of equal access to public facilities, potentially conflicting with the Elliott-Larsen Civil Rights Act. Opponents also argue that, without a prescribed compliance standard for educational institutions to implement the bill's requirements, it would be difficult to enforce the bill without violating students' privacy, and without any prescribed penalties, the only remedy for a violation would be legal action on the part of an individual who believes an institution is not following the bill's requirements.

Presently, 19 states have a law similar to what is being proposed in the bill.<sup>1</sup> Requirements as to which restroom or changing area an individual must use vary in these states in their applicability, with some states' requirements focused on spaces that are frequently used by minors (such as schools), while other states' requirements apply to all public buildings.

## **FISCAL IMPACT:**

The bill would have no fiscal impact on the state and could create costs for traditional school districts, public school academies (PSAs), intermediate school districts (ISDs), community colleges, and universities. Districts, PSAs, ISDs, community colleges, and universities that do not already require every multiple occupancy restroom or changing area to be used based on an individual's assigned sex at birth may incur administrative costs to do so. These costs would likely be absorbed using existing staff time.

## **POSITIONS:**

Representatives of the following entities testified in support of the bill (8-27-25):

- Citizens Defending Freedom
- Michigan Association of Christian Schools

A representative of the ACLU testified in opposition to the bill. (8-27-25)

The following entities indicated opposition to the bill (8-27-25):

- Michigan League for Public Policy
- Michigan Organization on Adolescent Sexual Health

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

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<sup>1</sup> For example, see [www.newsweek.com/texas-house-passes-bathroom-bill-2121371](http://www.newsweek.com/texas-house-passes-bathroom-bill-2121371)