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H.B. 183
135th General Assembly

Bill Analysis

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Version: As Reported by House Higher Education

Primary Sponsors: Reps. Lear and Bird

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SUMMARY

- Requires public and chartered nonpublic schools, educational service centers (ESCs), and institutions of higher education to designate specified facilities for the exclusive use of students of either the male biological sex or the female biological sex.
- Prohibits public and chartered nonpublic schools and ESCs from permitting members of the female biological sex to share overnight accommodations with members of the male biological sex.
- Entitles the bill the "Protect All Students Act."

DETAILED ANALYSIS

Single-sex facilities and accommodations

The bill requires school districts, community schools, STEM schools, chartered nonpublic schools, educational service centers (ESCs) and institutions of higher education to designate certain facilities for single-sex use.¹

Specifically, each student restroom, locker room, changing room, or shower room that is accessible by multiple students at the same time must be designated for the exclusive use of students of either the male biological sex or the female biological sex. For a district, school, or ESC, that provision applies to such rooms whether they are located in a school building or a facility for a school-sponsored activity.

¹ R.C. 3319.90 and 3345.90; conforming in R.C. 3314.03 and 3326.11.

Institutions of higher education are specifically required to use clear signage to make such designations.²

The bill prohibits districts, schools, and ESCs from permitting members of the female biological sex to use a student restroom, locker room, changing room, or shower room that is designated for the male biological sex and vice versa. Institutions of higher education are prohibited from doing so *knowingly*.³ Additionally, districts, schools, and ESCs are prohibited from permitting members of the female biological sex to share overnight accommodations with members of the male biological sex and vice versa.⁴

Under the bill, “biological sex” is “the biological indication of male and female, including sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual’s psychological, chosen, or subjective experience of gender.” The bill permits a person to use the sex listed on the person’s official birth record to prove biological sex if the record was issued at or near the time of the person’s birth.⁵

The bill also prohibits districts, schools, ESCs, and institutions of higher education from constructing, establishing, or maintaining a multi-occupancy facility that is designated as nongendered, multigendered, or open to all genders. Family facilities are exempt from this prohibition.⁶ Under the bill, a “multi-occupancy facility” is a restroom, locker room, changing room, or shower room that is accessible to multiple individuals at the same time, but does not include a family facility. A “family facility” under the bill is a family restroom or shower room that does not have more than one toilet or shower.⁷

The bill’s prohibitions do not prevent a district, school, or ESC from establishing policies to provide accommodations upon student request due to special circumstances. Accommodations may include permitting students to use single-occupancy facilities or controlled use of faculty facilities. The bill’s prohibitions also do not prohibit an institution of higher education from establishing and enforcing a policy on the use of a multi-occupancy facility. The bill requires any policy adopted by an institution in accordance with the bill to provide an option for alternative accommodations, including the use of single-occupancy facilities or faculty facilities.⁸

² R.C. 3319.90(B)(1) and 3345.90(B)(1).

³ R.C. 3319.90(B)(2) and 3345.90(B)(2).

⁴ R.C. 3319.90(C).

⁵ R.C. 3319.90(A)(1) and 3345.90(A)(1).

⁶ R.C. 3319.90(B)(3) and 3345.90(B)(3).

⁷ R.C. 3319.90(A)(2) and (3) and 3345.90(A)(1).

⁸ R.C. 3319.90(D) and 3345.90(C).

Finally, the bill states that its prohibitions do not apply to:⁹

- A child under the age of ten who is being assisted by a parent, guardian, or family member and the parent, guardian, or family member who is assisting the child;
- A person with a disability who is being assisted by another person and the person who is providing assistance;
- A school or institution employee whose job duties require the employee to enter a restroom, locker room, changing room, or shower room designated for a biological sex that is different from the employee's biological sex; or
- A person who enters a restroom, locker room, changing room, or shower room reasonably believing that the person is responding to a legitimate emergency.

HISTORY

Action	Date
Introduced	05-23-23
Reported, H. Higher Education	04-10-24

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⁹ R.C. 3319.90(E) and 3345.90(D).