

RÉSUMÉ DIGEST

ACT 436 (HB 608)

2024 Regular Session

Wilder

New law provides legislative intent and provides for protections for women and girls against sexual assault and harassment committed by biological men.

New law defines "boy", "changing room", "correctional facilities", "domestic violence shelter", "father", "female", "girl", "juvenile detention facilities", "male", "man", "mother", "public school", "restroom", "sex", "sleeping quarters", and "woman".

New law (R.S. 9:60) provides that no governmental agency shall prohibit distinction between the sexes with respect to athletics, correctional facilities, juvenile detention facilities, domestic violence shelters, or other accommodation where biology safety or privacy are implicated. New law further requires that such separate accommodations are substantially related to the important government interest of protecting health, safety, and privacy of individuals in such circumstances.

New law does not prohibit a domestic violence shelter, public school, correctional facility, or juvenile detention facility from establishing single-occupancy restrooms, changing rooms, or sleeping quarters or from redesignating a restroom, changing room, or juvenile detention facility as needed.

New law (R.S. 9:61) provides that a domestic violence shelter shall designate separate areas to be used by the members of each sex only, but shall not apply to the following circumstances:

- (1) To perform custodial services or maintenance of a restroom, changing room, or sleeping quarters that are normally used by the opposite sex.
- (2) To render medical assistance.
- (3) To render assistance by law enforcement.
- (4) To provide services or render aid during a natural disaster, a declared emergency, or when necessary to prevent a serious threat to good order or safety.

New law does not prevent a domestic violence shelter from making accommodations relative to the provisions of the ADA.

New law (R.S. 9:62) provides that restrooms in public schools shall designate separate restrooms to be used by the members of each sex only, but shall not apply to the following circumstances:

- (1) To perform custodial services or maintenance of a restroom, changing room, or sleeping quarters that are normally used by the opposite sex.
- (2) To render medical assistance.
- (3) To render assistance by law enforcement.
- (4) To provide services or render aid during a natural disaster, a declared emergency, or when necessary to prevent a serious threat to good order or safety.

New law (R.S. 9:62(C)) provides that students shall not share sleeping quarters with a member of the opposite sex on school authorized events unless such persons are members of the same family and the student has received approval from the parent or legal guardian to do so.

New law does not prevent public schools from making accommodations relative to the provisions of the ADA.

New law (R.S. 9:63) provides that correctional facilities and juvenile detention facilities shall designate separate areas to be used by the members of each sex only, but shall not apply to the following circumstances:

- (1) To perform custodial services or maintenance of a restroom, changing room, or sleeping quarters that are normally used by the opposite sex.
- (2) To render medical assistance.
- (3) To render assistance by law enforcement.
- (4) To provide services or render aid during a natural disaster, a declared emergency, or when necessary to prevent a serious threat to good order or safety.

New law (R.S. 9:63(D)) does not prevent correctional facilities and juvenile detention facilities from making accommodations relative to the provisions of the ADA.

New law (R.S. 9:64) provides that any law that distinguishes between sexes is subject to intermediate scrutiny which forbids discrimination against similarly situated individuals, but allows the law to distinguish between the sexes when there is an important governmental interest.

New law (R.S. 9:65) provides for appropriate relief in the following circumstances:

- (1)(a) Injunctive relief, protective order, writ of mandamus or a prohibition, or declaratory relief to prevent any violation of this Part.
- (b) The court may waive the requirement that the petitioner post bond for good cause shown.
- (2) Actual damages, reasonable attorney fees, and costs.

New law (R.S. 9:65(D)) provides that it is a rebuttable presumption that requiring biological females to be housed with biological males at a domestic violence shelter, juvenile detention center, corrections facility, or public school is inherently discriminatory to biological females and is a cognizable harm to biological women.

New law (R.S. 9:65(F)) provides that all actions shall be initiated within two years from the date that the harm occurred.

New law provides that if any provision of the act is held invalid, application of this Act is declared severable.

Effective August 1, 2024.

(Adds R.S. 9:55-65)