**A** **BILL**

TO AMEND SECTION 45-9-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RIGHT TO EQUAL ENJOYMENT AND PRIVILEGES OF PUBLIC ACCOMMODATIONS, SO AS TO PROVIDE THAT A LOCAL GOVERNMENT OR OTHER POLITICAL SUBDIVISION MAY NOT ENACT A LAW, ORDINANCE, ORDER, OR OTHER REGULATION THAT WOULD REQUIRE A PLACE OF PUBLIC ACCOMMODATION, PRIVATE CLUB, OR OTHER ESTABLISHMENT TO ALLOW A PERSON TO USE A MULTIPLE OCCUPANCY BATHROOM OR CHANGING FACILITY REGARDLESS OF THE PERSON’S BIOLOGICAL SEX AND TO PROVIDE EXCEPTIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 45‑9‑10 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( )(1) As used in this subsection:

(a) ‘Biological sex’ means the physical condition of being male or female, which is stated on a person’s birth certificate.

(b) ‘Multiple occupancy bathroom’ or ‘changing facility’ means a facility designed or designated to be used by more than one person at a time where persons may be in various states of undress in the presence of other persons. A multiple occupancy bathroom or changing facility includes, but is not limited to, a restroom, locker room, changing room, or shower room.

(c) ‘Single occupancy bathroom’ or ‘changing facility’ means a facility designed or designated to be used by only one person at a time where students may be in various states of undress. A single occupancy bathroom or changing facility includes, but is not limited to, a single stall restroom designated as unisex or for use based on biological sex.

(2) A local government or other political subdivision in this State may not enact local laws, ordinances, orders, or other regulations that require a place of public accommodation or a private club or other establishment, not in fact open to the general public, to allow a person to use a multiple occupancy bathroom or changing facility regardless of the person’s biological sex. A local law, ordinance, order, or other regulation enacted by a local government to require a person to use a multiple occupancy bathroom or changing facility designated for his biological sex is not a violation of this chapter and does not constitute discrimination based upon a protected category.

(3) This section does not apply to persons entering a multiple occupancy bathroom or changing facility designated for use by the opposite sex:

(a) for custodial purposes;

(b) for maintenance or inspection purposes;

(c) to render medical assistance;

(d) to accompany a person in need of medical assistance;

(e) for a minor under the age of seventeen who accompanies a person caring for that minor; or

(f) that has been temporarily designated for use by that person’s biological sex.”

SECTION 2. This act takes effect upon approval by the Governor.

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