**South Carolina General Assembly**

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**S. 199**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Climer, Kimbrell and Leber

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Introduced in the Senate on January 14, 2025

Currently residing in the Senate

Summary: Student Physical Privacy Act

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/14/2025 Senate Introduced and read first time (Senate Journal‑page 116)

 1/14/2025 Senate Referred to Committee on **Education** (Senate Journal‑page 116)

 1/14/2025 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[01/14/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/199_20250114.docx)

[01/14/2025-A](https://www.scstatehouse.gov/sess126_2025-2026/prever/199_20250114a.docx)

Indicates Matter Stricken

Indicates New Matter

Introduced

January 14, 2025

S. 199

Introduced by Senator Climer

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Read the first time January 14, 2025

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59‑23‑400 SO AS TO PROVIDE THAT EVERY PUBLIC SCHOOL RESTROOM AND CHANGING FACILITY THAT IS ACCESSIBLE BY MULTIPLE PERSONS MUST BE DESIGNATED FOR USE ONLY BY MEMBERS OF ONE SEX, TO PROVIDE DEFINITIONS, AND TO PROVIDE FOR A PRIVATE CAUSE OF ACTION FOR THOSE AGGRIEVED BY A FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ACT.

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

SECTION 1. Chapter 23, Title 59 of the S.C. Code is amended by adding:

Article 4

Student Physical Privacy Act

 Section 59‑23‑400. (A)(1) “Changing facility” means a facility in which a person may be in the state of undress in the presence of others, including a locker room, changing room, or shower room.

 (2) “Restroom” means a facility that includes one or more toilets or urinals.

 (3) “Sex” means the biological indication of male and female in the context of reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones, gonads, and non‑ambiguous internal and external genitalia present at birth.

 (4) “Sleeping quarters” means a room with a bed in which more than one individual is housed overnight.

 (5) “Female” means an individual who naturally has, had, will have, or would have, but for a congenital anomaly or intentional or unintentional disruption, the reproductive system that at some point produces, transports, and utilizes eggs for fertilization.

 (6) “Male” means an individual who naturally has, had, will have, or would have, but for a congenital anomaly or intentional or unintentional disruption, the reproductive system that at some point produces, transports, and utilizes sperm for fertilization.

 (B) A public school district shall not permit any public school within the district to use any funds to maintain or operate any restroom or changing facility on its premises that is not in compliance with this provision or facilitate any public‑school authorized activity or event involving overnight lodging that is not in compliance with this section.

 (C) A public institution of higher learning shall not use any funds to maintain or operate any restroom or changing facility on its premises that is not in compliance with this provision or facilitate any institution authorized activity or event involving overnight lodging that is not in compliance with this provision. A public institution of higher learning that violates any portion of this provision shall be penalized twenty‑five percent of the funds appropriated by this act that are used to support the institution operations.

 (D)(1) Multi‑occupancy public school or public institution of higher learning restrooms and changing facilities shall be designated for use only by members of one sex. Any public school or public institution of higher learning restrooms or changing facilities that are designated for one sex shall be used only by members of that sex; no person shall enter a restroom or changing facility that is designated for one sex unless he or she is a member of that sex; and the public school or public institution of higher learning with authority over that building shall take reasonable steps to ensure that all restrooms and changing facilities provide its users with privacy from members of the opposite sex. The provision in this subsection do not apply:

 (a) to custodial or maintenance work when the restroom or changing facility is not being used or otherwise occupied by a member of the opposite sex;

 (b) to a person rendering medical assistance; or

 (c) during a natural disaster, emergency, or when use of the restroom or changing facility is necessary to prevent a serious threat to good order or student safety.

 (2) During any public‑school or public institution of higher learning authorized activity or event where students share overnight lodging, no student shall be required to share a sleeping quarter or multi‑occupancy restroom with a member of the opposite sex, unless such persons are members of the same family, such as a parent, legal guardian, sibling, or grandparent.

 (3) In any other public‑school or public institution of higher learning facility or setting where a person may be in a state of undress in the presence of others, school personnel shall provide separate, private areas designated for use by persons based on their sex, and no person shall enter theses private areas unless he or she is a member of the designated sex.

 (E)(1) An individual who, while accessing a restroom or changing facility designated for use by their sex, encounters a person of the opposite sex in that restroom or changing facility, has a private cause of action for declaratory and injunctive relief against the public school or public institution of higher learning that:

 (a) provided the person permission to use a restroom or changing facility of the opposite sex; or

 (b) failed to take reasonable steps to prohibit the person of the opposite sex from using the restroom or changing facility of the opposite sex.

 (2) An individual required by the public school or public institution of higher learning to share sleeping quarters with a person of the opposite sex has a private cause of action for declaratory and injunctive relief against the offending public school or public institution of higher learning.

 (3) All civil action brought pursuant to this section must be initiated within two years after the violation occurred. An individual aggrieved under this section who prevails in court may recover reasonable attorney fees and costs from the offending public school or public institutions of higher learning.

 (F) Nothing in this section may be construed to prohibit schools or public institution of higher learning from adopting policies necessary to accommodate disabled persons or young children in need of physical assistance when using restrooms or changing facilities.

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

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