

Are you a trans person who wants to use the bathroom in Utah
(according to HB 257 as signed by Gov. Spencer Cox)

Yes

Is the facility owned or controlled by the state of Utah or a local subdivision*

*local subdivisions include cities, counties, schools and universities

No

Yes

Is the private entity your employer?

No

The private entity is free to set whatever bathroom policy they would like.

Yes

Your employer may put in place whatever bathroom policy they see fit. If you are prohibited from using the bathroom aligned with your gender identity, "reasonable accommodations" must be provided.
(Per the "Utah Compromise" of 2015)

Most Commonly, However

Most Commonly, or if there's no set policy

Yes and I'm an Employee

Is the bathroom exclusively accessible to employees?

No

Are you a K-12 Student at school?

Yes

Are you okay with having your parents informed if you request accommodations?

No

The bill requires student accommodations to be crafted in coordination with your parent or legal guardian. If you inform a faculty member of your request they are likely to contact your parents about it

Yes

Would a reasonable person expect your entry into the changing room to cause alarm to, on or in the presence of another individual?

Yes

You are prohibited from using a bathroom aligned with your gender identity under the circumstances described. However, the facility must provide you with a unisex bathroom or alternative "reasonable accommodation"

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The ambiguity is the point. The language here comes from indecent exposure / lewdness statutes. The Author's opinion is that simply being in a changing room while trans is not sufficient to fulfill this language, but prosecutors may interpret it differently.

Have you amended your birth certificate and had a qualifying primary sexual characteristic surgical procedure
(per Utah Code 58-67-102)

No

Yes, and I just want to use the toilet
Yes and I'd like to use the gang shower

HB 273 modifies the definition of Lewdness to include any display of "genitalia [or nipples] that [do] not correspond with the sex designation of the changing room," unless you are in a single-user space partitioned by a stall or curtain. There is enough ambiguity in the definitions here that the author would recommend avoiding the display of genitals or (for trans men) chests even if you have had top / bottom surgery

- The author is not a lawyer, this is not legal advice.
- This document hopefully in part demonstrates that, in practice, **in the substantial majority of cases, most trans people should be able to use the bathrooms of our choice without fear of legal repercussions.**
- That said, this is a ridiculous, transphobic bill that at best is trying to solve a problem that doesn't exist, and at worst, is entirely designed to signal animus towards the transgender community.
- In the latter case, **this bill primarily succeeds or fails based on the extent to which trans people self-police** beyond the actual scope of the law.

- With Sub 5 (the version signed by the Governor), there is some funky language regarding with regard to loitering and the definition of a "sex-designated restroom" that may be used together to enforce a harsher ban.
- **This bill will be litigated. Expect changes to come quickly.**
- Municipalities have been charged with setting up an enforcement plan for this law. Reach out to your local governing authority and ask them to do whatever they can to reduce the impact with their enforcement plan.
- For additional questions, contact the author at [nightrose.city](#) on Discord or reach out the ACLU of Utah.

If I use the bathroom aligned with my gender identity, the outcome will be...

- Legal to Use Bathroom of Choice
- Possible criminal / school disciplinary repercussions
- Unknown / Ambiguous
- Possible employment repercussions
- Possible ejection from Venue