



Tuesday, January 30, 2024

Dear Governor Spencer Cox:

The American Civil Liberties Union of Utah (ACLU of Utah) strongly urges you to veto House Bill 257, misleadingly titled "Sex-Based Designations for Privacy, Anti-Bullying, and Women's Opportunities." This bill perpetuates discrimination, needlessly imposes barriers to the everyday needs of people in Utah, and risks harmful and discriminatory enforcement against transgender, non-binary, and gender non-conforming people. Because this legislation will have severe consequences for the rights and well-being of all Utahns, but especially of Transgender and Nonbinary Utahns, we urge you to consider the core principles of liberty and individual rights our state claims to hold dear and veto this bill.

Transgender and Nonbinary Utahns are part of our communities, enrich our state, and deserve the freedom to live as themselves without facing discrimination. This bill seeks to codify outdated and inaccurate definitions of sex and families and, in so doing, severely limits – rather than expands - opportunities. By imposing unduly restrictive rules on accessing facilities and programs based on a person's sex designated at birth, the bill disrupts the ability of individuals and communities to live their lives as valued members of society fully and publicly.

This bill is not necessary. Current Utah law already provides criminal penalties for harassment and assault in restrooms and public spaces. HB 257 does not provide additional protection for women in these spaces. All it does is invite scrutiny of people who are transgender or perceived to be transgender when they are lawfully going about their lives.

For students in schools, HB 257 could be used to single out transgender students for isolating and discriminatory treatment. Students who may have been using the same restrooms as their peers for years could be forced into separate, stigmatizing restrooms. School districts have been successfully helping transgender students safely transition at school, and now the legislature is attempting to remove the discretion of educators who are best positioned to ensure safe, inclusive school environments.

Every Utahn deserves to pursue their own happiness, and living authentically is critical to that freedom. People in Utah should not be forced to live with fear when using facilities that match who they are. Attending to one's bodily needs lawfully and appropriately should never cause anyone to be subject to discrimination, surveillance, or arrest. This is particularly true for students in Utah, who should be allowed to focus on learning and gaining social skills at school, not whether they can devise a plan to use the restroom there.

HB 257 contains many provisions that, at a minimum, raise serious constitutional concerns. Under the United States and Utah Constitutions, laws are required to treat everyone fairly and equally. HB 257 falls well short of that promise.

The ACLU of Utah staunchly opposes HB 257 and others that attack the rights of LGBTQ+ people in Utah.

Thank you for your attention to this matter. We trust that you will carefully consider the potential consequences HB 257 poses to Utahns' civil rights and individual freedoms and hope you will veto this unnecessary and harmful bill.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brittney Nystrom", written over a horizontal line.

Brittney Nystrom
Executive Director
ACLU of Utah

CC:

Lt. Governor Deidre Henderson
Jon Pierpont
Neil Abercrombie
Jennifer Napier-Pearce
Emma Williams