

Lexington Herald Leader, KY, USA

Another 'bathroom bill' awaits in Frankfort. One-fifth of House members are sponsors.

By John Cheves

jcheves@herald-leader.com

February 09, 2018 03:30 PM

Frankfort -- Nearly one-fifth of the Kentucky House is sponsoring a bill that would require school districts to set aside separate bathrooms and locker rooms for students based on their "immutable biological sex as male or female," or else risk paying damages if students' families choose to sue.

[House Bill 326](#) revives the debate over the use of public bathrooms by transgender individuals that has led to controversy and [even economic boycotts](#) in other states.

Last winter, [then-House Speaker Jeff Hoover, R-Jamestown, ignored similar bathroom bills](#) filed during the 2017 legislative session, saying he didn't care to get involved in the topic. And Republican Gov. Matt Bevin mocked the bills as a solution in search of a problem. "Is it an issue?" Bevin asked. "Is there anyone you know in Kentucky who has trouble going to the bathroom?"

However, state [Rep. David Hale](#), R-Wellington, said he filed his bill Wednesday to protect students in school districts that allow transgender youths to use the student bathrooms or locker rooms of their choice.

While school districts are free to offer that option, Hale said, if they do, they also should offer a separate set of bathrooms and locker rooms for boys and girls who don't want to be undressed in the same room as someone born into a different biological gender.

"It's not discrimination against anybody," said Hale, a church pastor. "It's a bill to protect the individuals that do not want to have to participate in that kind of facility. It gives them the option to have another place to go. Parents feel like their children should be separated from all that."

Eighteen other House Republicans have signed onto Hale's bill as co-sponsors. House Speaker Pro Tem [David Osborne](#), R-Prospect, who is not a co-sponsor, declined Friday to predict its chances in the House.

"We have had no discussions on it, so it would be premature for me to even comment on it," Osborne said. "I'm not even sure what the bill does exactly."

Some of the language in Hale's bill is "a shot across the bow of the transgender community,"

said Josh Mers, chairman of [Lexington Fairness](#) and a [Democratic candidate for the Kentucky House](#).

For example, the bill defines a person's gender as their "immutable biological sex as male or female, determined by a person's anatomy and genetics at the time of birth," Mers said. And it declares that any child who encounters a transgender classmate in the bathroom or locker room would have "a cause of action" to sue the school or the school board for "emotional distress."

Discrimination aside, it's not financially realistic for Kentucky schools to create twin sets of student bathrooms, one for those who are comfortable with transgender individuals and one for those who aren't, Mers said.

"We're in the middle of a budget session where we're seeing school districts get stuck with additional costs for things like health insurance and transportation and declining state funding overall, and now we're going to tell them to provide a second set of bathrooms?" Mers asked. "This isn't something the legislature needs to be concerning itself with."

It's not clear how many school districts in the state have a policy on transgender bathroom usage. The Kentucky Department of Education and the Kentucky School Boards Association both said Friday that they don't collect information on districts' bathroom use policies.

<http://www.kentucky.com/news/politics-government/article199360844.html>