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**Pro Hac Vice applications
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**MONTANA FOURTH JUDICIAL DISTRICT COURT,
 MISSOULA COUNTY**

CASEY PERKINS, an individual;
 SPENCER MCDONALD, an
 individual; KASANDRA
 REDDINGTON, an individual; JANE
 DOE, an individual; and JOHN DOE,
 an individual,

Plaintiffs,

v.

STATE OF MONTANA; GREGORY
 GIANFORTE, in his official capacity as
 Governor of the State of Montana; and
 AUSTIN KNUDSEN, in his official

Cause No. _____

HON: _____

**COMPLAINT FOR
 DECLARATORY AND
 INJUNCTIVE RELIEF**

capacity as Attorney General of the State of Montana, Defendants.	
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Plaintiffs Casey Perkins, Spencer McDonald, Kasandra Reddington, Jane Doe, and John Doe, through their undersigned attorneys, bring this complaint against the State of Montana, Gregory Gianforte, in his official capacity as Governor of Montana, and Austin Knudsen, in his official capacity as Attorney General of Montana (collectively “Defendants” or the “State”), as set forth below.

INTRODUCTION

1. This action challenges the latest in a relentless series of efforts by the State of Montana to demean the personhood of its transgender and intersex citizens and banish them to the fringes of society. On March 27, 2025, the State enacted House Bill 121 (“HB 121” or the “Act”), which bars transgender and intersex people from using restrooms and other sex-separated facilities that correspond to their gender identity.

2. If allowed to take effect, the Act would make it difficult, if not impossible, for transgender and intersex Montanans to participate in public life—to work, attend school, go to the courthouse or the Motor Vehicle Division, or visit a library or state park. And the restrictions imposed by the Act are not limited to government buildings. They sweep far more broadly, applying also to buildings leased from the government and spaces that provide critical services to the public,

such as domestic violence shelters, warming shelters, interstate rest stops, and even hospitals. The Act therefore obstructs transgender and intersex Montanans' ability to seek refuge from domestic abuse and to access healthcare that could be the difference between life and death.

3. Transgender people are people whose gender identity—the deeply felt, internal sense of belonging to a particular gender—differs from the sex they were assigned at birth. For example, a transgender man is someone who was assigned female at birth but lives as a man. Just as cisgender people, whose gender identity aligns with their birth-assigned sex, cannot simply “turn off” their gender identities, transgender people cannot “turn off” theirs. Indeed, the medical consensus in the United States is that gender identity is innate and that efforts to change a person's gender identity are not only harmful but also unethical.

4. Intersex people are people born with a combination of male and female sex traits and reproductive anatomy. As a result, they cannot simply be sorted into the Act's narrow categories of “female” or “male.” For intersex people, laws like the Act that attempt to create a binary classification of sex beget uncertainty, humiliation, and fear.

5. Plaintiffs are transgender and intersex Montanans who seek to live their lives in safety and dignity. Like other Montanans, Plaintiffs work in public buildings, visit public spaces, and hike in state parks. Like other Montanans,

Plaintiffs need to use restrooms and other sex-separated facilities when they are in public spaces. But whereas the Act allows cisgender people to use such facilities that correspond to their gender identity, transgender people cannot. And the Act excludes intersex people from these facilities altogether. In singling out transgender and intersex people for discriminatory treatment, the Act demeans their personhood, relegates them to second-class citizenship, and exposes them to heightened risks of harassment and violence. The record lays bare that the Act is driven by animus against transgender people.

6. The Montana Constitution does not tolerate the Act's discrimination against transgender and intersex Montanans. The Act deprives Plaintiffs of equal protection under the law and unconstitutionally burdens their fundamental rights to privacy and due process, as well as their right to pursue life's basic necessities. If allowed to take effect, the Act would irreparably harm Plaintiffs and other transgender and intersex people.

7. Accordingly, Plaintiffs seek a judgment declaring the Act unconstitutional and an injunction barring the Act's enforcement.

JURISDICTION AND VENUE

8. This Court has original jurisdiction over this case under Article VII, Section 4, of the Montana Constitution and § 3-5-302, MCA.

9. This Court has jurisdiction to grant declaratory relief under the Montana Uniform Declaratory Judgments Act, *see* §§ 27-8-201, § 27-8-202, MCA; *see also* M. R. Civ. P. 57, and the Court’s general legal and equitable powers, including the Court’s inherent authority to enforce the supremacy of the Montana Constitution as against contrary state law, *see* Mont. Const. art. VII, § 1.

10. This Court has jurisdiction to grant injunctive relief under § 27-19-101 *et seq.*, MCA, and the Court’s general legal and equitable powers, including the Court’s inherent authority to enforce the supremacy of the Montana Constitution as against contrary state law. *See* Mont. Const. art. VII, § 1.

11. Venue is proper in Missoula County under § 25-2-126, MCA, because one or more Plaintiffs reside there. *See* § 25-2-126(1), MCA (“In an action against the state brought by a resident of the state, the county of the plaintiff’s residence is also a proper place of trial.”).

PARTIES

I. Plaintiffs

A. Casey Perkins

12. Plaintiff Casey Perkins is a resident of Helena, Lewis and Clark County.

13. Casey is a transgender woman. She was assigned the sex designation of male at birth but her gender identity is female. She began living and presenting as the woman she knows herself to be during the COVID-19 pandemic. Casey considers her transgender identity to be a personal and private matter.

14. Casey works as a license examiner in the Employment Relations Division of the Montana Department of Labor and Industry (“DLI”). DLI is a public agency and a “covered entity” under the Act.

15. In the DLI building where Casey works, there are two multi-occupancy, gender-designated restrooms on the fourth floor, where Casey is based. The only single-occupancy restroom in the building is five floors below Casey’s office.

16. Casey is acutely aware of the risks she faces as a transgender person in public restrooms. She therefore uses the women’s restroom on the fourth floor of the office only when the floor is empty, typically early in the morning, or in emergencies. Otherwise, Casey does not use the restroom at work. She usually works half days and “holds it” until her shift ends and she can go home to use the restroom.

17. Casey is a single parent and frequently takes her child to Memorial Park, a public park in Helena that is a “covered entity” under the Act. The

restrooms at Memorial Park are multi-occupancy and separated by gender, and Casey uses the women's restroom.

18. Casey would not feel safe using public restrooms if the Act were to stay in effect. Compliance with the Act would force Casey to use the men's restroom at the DLI. Casey would feel demeaned and deeply uncomfortable if she were required to do so. She also fears she could be subjected to harassment and even violence in the men's restroom because using it would "out" her as a transgender person.

19. Casey may not be able to maintain her employment at the DLI or continue taking her child to public parks if she cannot use restrooms that align with her gender identity.

B. Spencer McDonald

20. Plaintiff Spencer is a resident of Helena, Lewis and Clark County.

21. Spencer is a transgender man. He was assigned the sex designation of female at birth but his gender identity is male. Transitioning saved Spencer's life. Because he is now living as a man in accordance with his gender identity, he is more outgoing, courageous, determined, and kind.

22. Spencer considers his transgender identity to be a personal and private matter.

23. Spencer is currently a senior studying pre-law at Carroll College. He works 12 hours per week as a legislative session intern for the Montana Democratic Party.

24. Spencer's work requires him to be in the Montana State Capitol, which is a "covered entity" under the Act.

25. Spencer's desk is in the basement of the Capitol building. There are two single-occupancy, unisex restrooms in the basement. These restrooms are used by legislators, staff members, and members of the public, and are typically in high demand.

26. There is one additional set of single-occupancy restrooms in the Senate Leadership Offices that are technically public but well known to be intended for the use of Republican leadership and staff. Spencer does not feel comfortable using those restrooms.

27. The remainder of the public restrooms in the building are multi-occupancy and designated by gender.

28. When Spencer is at his desk, he uses the single-occupancy restrooms in the basement. But because those restrooms are often in use, Spencer also uses the multi-occupancy restrooms designated for men.

29. Spencer's duties often require him to be present near the House of Representative's chamber on the third floor of the Capitol building. The nearest

restrooms are multi-occupancy restrooms on the fourth floor. Thus, Spencer additionally uses the men's restroom on the fourth floor.

30. Spencer has not had any problems related to his use of restrooms corresponding to his gender identity in the Capitol building.

31. Under the Act, however, Spencer would be required to use women's restrooms. He would not feel safe doing so because other patrons are likely to perceive him as a man, exposing him to harassment and violence. Using women's restrooms would also "out" Spencer as a transgender man.

32. A lifelong Montanan, Spencer often visits and camps in Canyon Ferry Lake State Park, which is regulated by the Act. The campgrounds at Spencer's favorite campsite have multi-occupancy, gender-designated restrooms. He would not feel safe or comfortable using the multi-stall restrooms designated for women, as the Act requires him to do.

33. The Act makes it very difficult for Spencer to do his job in the Capitol building and to spend time in any other public space because it prevents him from using restrooms that align with his gender identity. As a result, if the Act remains in effect, Spencer may have no choice but to withdraw from spending time in spaces regulated by the Act, including his workplace and the state parks he loves.

C. Kasandra Reddington

34. Plaintiff Kasandra Reddington, or “Kas,” is a resident of Helena, Lewis and Clark County.

35. Kas is transfeminine: She was assigned the sex designation of male at birth but she identifies as more feminine than masculine, without identifying as a specific gender. Kas values her privacy concerning her transgender identity.

36. Kas works at Helena College as its Accessibility Services Coordinator, working to provide disability accommodations for students. She is also an advisor with the College’s TRIO program, where she works with disadvantaged students to connect them with services.

37. Helena College is a public community college that is part of the Montana University System. It is a “covered entity” under the Act because its buildings are “public building[s]” as defined in the Act.

38. At Helena College’s Donaldson Campus, Kas uses the restrooms closest to her office, which are multi-occupancy and designated by gender. Those restrooms are used by employees, students, and members of the public.

39. Kas uses the women’s restroom as it aligns with her gender identity. Doing so allows Kas to attend to her personal needs safely, with dignity, and with privacy.

40. Although Kas's office building also has one single-occupancy restroom, it is farther from her office than the multi-occupancy restrooms. And because of a medical issue, Kas often must use the restroom urgently and may not be able to reach the single-occupancy restroom in time when she needs it.

41. Kas is occasionally required to travel for work. Approximately once a month, she visits Helena College's Airport campus, which has only multi-occupancy, gender-designated restrooms.

42. Kas also has work duties on the University of Montana–Missoula campus, which is a "covered entity" under the Act. The only restrooms Kas can use on that campus are multi-occupancy and gender-designated.

43. Kas uses the women's restrooms on Helena College's Airport campus and the University of Montana–Missoula campus.

44. Kas has not had any problems related to her use of women's restrooms at work.

45. Outside of work, Kas enjoys spending time in Montana's state parks. Her favorite park is Spring Meadow Lake State Park in Helena, which she visits several times each month.

46. There are multi-occupancy, gender-designated restrooms at Spring Meadow Lake State Park. Those restrooms are "covered entities" under the Act.

47. Kas uses the women's restrooms at Spring Meadow Lake State Park and has not had an issue using those restrooms.

48. Kas has been harassed, discriminated against, and threatened both online and in person because she is transgender. For example, she has been denied jobs and healthcare access. She has also lost relationships with family members and friends because they did not accept her transgender identity.

49. Early in her transition, Kas still sometimes used the men's restroom. When she did, she was confronted by others and asked to use the women's restroom.

50. Because of her experiences with harassment, discrimination, and threats, Kas minimizes her use of public restrooms and tries to keep her head down whenever she needs to use them.

51. The Act forces Kas into a Hobson's choice. It requires her to use men's restrooms, which do not align with her gender identity. If she were to use men's restrooms, Kas would face intrusive questioning and harassment and potentially violence. She would also be "outed" as a transgender woman. She would not feel safe or comfortable using men's restrooms.

52. But if Kas were to use women's restrooms, she would be breaking the law and putting the workplace she loves at risk, because Helena College could be

sued under the Act by anyone who is in a women’s restroom at the same time as Kas. Kas does not want to jeopardize the College’s ability to serve its students.

53. Put in this untenable position, Kas may not be able to continue working at Helena College, visiting state parks, or spending time in any of the other spaces regulated by the Act.

D. Jane Doe¹

54. Plaintiff Jane Doe is a resident of Helena, Lewis and Clark County.

55. Jane is a transgender woman. She was assigned the sex designation of male at birth but identifies as a woman. Jane transitioned and began living as the woman she knew herself to be approximately three years ago. She has been working with medical professionals to bring her physical appearance and presentation into alignment with her gender identity.

56. Jane considers her transgender identity to be a personal and private matter.

57. Jane is a graphic designer in the Montana State Print and Mail Department. She works in a warehouse building, which is a “public building” regulated by the Act. The warehouse is split between a shop floor and an office. Jane’s cubicle is in the office portion of the building,

¹ Two plaintiffs seek to proceed under pseudonym in this case as “Jane Doe” and “John Doe.” Their motion for leave for proceed under pseudonym is forthcoming.

58. The only bathrooms in the office portion of the warehouse building are designated by gender: two single-occupancy restrooms upstairs and multi-occupancy restrooms downstairs. There is one unisex bathroom on the shop floor.

59. Jane uses the women's single-occupancy and multi-occupancy restrooms because they align with her gender identity. She does not use the unisex bathroom on the shop floor because it is in high demand and often occupied, and because it is significantly farther from her office than the gender-designated bathrooms.

60. Jane has never had any problems related to her use of restrooms at work that align with her gender identity.

61. In her free time, Jane enjoys visiting parks operated by the State of Montana or by municipalities, which are all regulated by the Act. Jane uses the women's restrooms at these public parks and has never had any issues doing so.

62. It would not only be humiliating but also dangerous for Jane to use men's restrooms, as the Act requires her to do. Doing so would "out" Jane as transgender to any stranger who sees her in the restroom and dramatically increase the risk that she will be harassed and attacked.

63. If Jane were to continue using women's restrooms, however, she would be violating the Act, opening her employer up to liability and jeopardizing her own employment.

64. Jane cannot avoid using the restroom for an entire workday. Because of the Act, she may not be able to continue working in the State Print and Mail Department.

E. John Doe

65. Plaintiff John Doe is a resident of Missoula, Missoula County.

66. John is intersex. He was assigned the sex designation of male at birth but has sex traits and reproductive anatomy corresponding to both the male gender and the female gender. For example, John has two X chromosomes and no Y chromosome, which would classify him as female. However, he also has the SRY protein, which is typically located on a Y chromosome and directs the development of sexual characteristics. John also has both male genitalia and breast tissue.

67. To John, his intersex status and gender identity are private and personal.

68. John regularly visits the local public library for an ongoing gaming group. As part of that group, he plays social deduction and board games with friends and members of the public.

69. The public library is a “covered entity” under the Act. It has multi-occupancy, gender-designated restrooms and John uses the men’s restrooms because he identifies as male.

70. John also frequents the University of Montana campus to attend events and concerts, watch plays and movies, and visit the campus bookstore.

71. The University is a “covered entity” under the Act because its buildings are “public building[s]” as defined in the Act. The University has multi-occupancy, gender-designated restrooms and John uses the men’s restrooms.

72. John and his spouse also like to visit Splash Montana, a water park owned and operated by the City of Missoula. Splash Montana is a “covered entity” under the Act.

73. At Splash Montana, John uses the men’s changing room as that corresponds to his gender identity.

74. John has not encountered any problems when using public facilities that correspond to his gender identity.

75. But John is not sure whether he would be classified as “male” or “female” under the Act. There are a variety of ways in which intersex people’s sex traits and reproductive anatomy—including external genitalia, internal reproductive organs, chromosomes, and/or hormone production and response—can differ from the Act’s narrow, binary definitions of “male” and “female.” Thus, intersex people like John do not fit within the Act’s restrictive definitions of “sex,” “male,” and “female.”

76. As a result, John does not know what restrooms and changing rooms he should use at the library, the University, Splash Montana, and other spaces governed by the Act.

77. If John were to continue using men's restrooms, he may be deemed to be using the incorrect facilities under the Act because he is not "male" under the Act's definition, subjecting him to harassment and the covered entity to legal liability. If the covered entity is sued because another individual perceives John to be using the incorrect restroom, as part of the lawsuit John may be compelled to publicly disclose deeply personal details about his intersex status, medical history, biological traits, and gender identity.

78. If John were to use women's restrooms, he may likewise be deemed to be using the incorrect facilities under the Act because he is also not "female" under the Act's definition. Moreover, other patrons may perceive him to be a man and subject him to harassment and violence and the covered entity to legal liability.

79. John does not want to avoid using public spaces altogether or forego using restrooms while in public spaces. But, because he does not know how he can comply with the Act, he worries he may have to take those drastic measures for his own safety.

II. Defendants

80. The State of Montana is a government entity subject to and bound by the Constitution and laws of the State of Montana. Under Article II, Section 18 of the Montana Constitution, the State is subject to suit for injuries to persons.

81. Governor Gianforte is the elected Governor of the State of Montana. He is the State's principal executive officer and is responsible for administering Montana's laws.

82. Attorney General Knudsen is the Attorney General of the State of Montana. He is the State's principal law enforcement officer and is authorized by the Public Health Laws to enforce the Act. *See* § 50-1-103(2), MCA. He is sued in his official capacity.

FACTUAL ALLEGATIONS

I. Gender Identity, Gender Dysphoria, and Intersex Identity

83. A person's gender identity is their deeply felt, internal sense of belonging to a particular gender, which can differ from the sex they were assigned at birth. Every person has a gender identity.

84. Transgender people have a gender identity that differs from the sex they were assigned at birth. For example, a transgender man is someone who was assigned a female sex at birth but persistently, consistently, and insistentlly identifies as male.

85. Cisgender people have a gender identity that aligns with their birth-assigned sex.

86. Just as cisgender people cannot (and are not expected or asked to) “turn off” their gender identities like a switch, so too are transgender people unable to “turn off” their gender identities.

87. The medical consensus in the United States, agreed upon by the American College of Physicians, the American Psychiatric Association, and other major medical organizations, is that gender identity is innate and that efforts to change a person’s gender identity are harmful to their health and well-being and unethical.

88. The incongruence between a person’s gender identity and their birth-assigned sex can cause clinically significant distress or impairment of functioning known as gender dysphoria. Gender dysphoria is a serious medical condition.

89. Being transgender is not in and of itself a medical condition to be cured. As the American Psychiatric Association has explained, “[t]he presence of gender variance is not the pathology”; rather, gender dysphoria results “from the distress caused by the body and mind not aligning and/or societal marginalization of gender-variant people.”

90. Untreated, gender dysphoria can result in significant lifelong distress, clinically significant anxiety and depression, self-harming behaviors, substance misuse, and suicidality.

91. The recognized standard of care for gender dysphoria is to eliminate the clinically significant distress a patient is experiencing by bringing their body and gender expression into alignment with their gender identity. An aspect of this treatment is “social transition,” which is the process through which transgender people live and become socially recognized in accordance with their gender identity. Social transition includes allowing transgender people to dress and use names, restrooms, and other sex-separated facilities consistent with their gender identity.

92. Intersex people are born with sex traits and reproductive anatomy that do not fit into the narrow binary categories of “female” or “male.” For example, some intersex people have both ovarian and testicular tissue. Other intersex people have combinations of chromosomes, such as XXY, that are different than XY, which is usually associated with the male category, and XX, which is usually associated with the female category.

93. Being intersex is not a disorder or disease; it is a naturally occurring variation in humans and typically does not require any medical treatment or care. Approximately 1–2% of people have intersex traits.

94. Although doctors may assign intersex babies a legal sex of “female” or “male,” that individual’s gender identity may not align with their birth-assigned sex.

II. The Act

95. On March 27, 2025, Governor Gianforte signed the Act into law after the Legislature passed it. HB 121, 2025 Leg., 69th Sess. (Mont. 2025). The Act took immediate effect.

96. The Act bars transgender people from using public restrooms, changing rooms, and sleeping quarters that correspond to their gender identity. It dictates: “A covered entity shall designate each multi-occupancy restroom, changing room, or sleeping quarters for the exclusive use of females or males” HB 121 § 3(1). These facilities “may be used only by members of that sex.” HB 121 § 3(2).

97. The Act narrowly defines “female” and “male” in terms of physiology and genetics identified at birth: “In human beings, there are exactly two sexes, male and female, with two corresponding types of gametes. The sexes are determined by the biological and genetic indication of male or female, including sex chromosomes, naturally occurring sex chromosomes, gonads, and nonambiguous internal and external genitalia present at birth.” HB 121 § 2(12). Accordingly, the Act defines “female” and “male” in terms of a person’s “XX” or

“XY chromosomes” and the type of “gametes” the person’s “reproductive and endocrine system” produces. HB 121 § 2(4), 2(7). These definitions expressly disregard “an individual’s psychological, behavioral, social, chosen, or subjective experience of gender.” HB 121 § 2(12).

98. The Act’s restrictions apply to a wide range of covered entities, including public buildings and spaces that provide important services to the public: “‘Covered entity’ means a correctional center, a juvenile detention facility, a local domestic violence program, a public building, or a public school.” HB 121 § 2(3). A “public building,” in turn, includes any “building that is owned or leased by a public agency . . . and that is open to the public, including but not limited to . . . a building that is used for educational, office, or institutional purposes; or a library, museum, school, hospital, auditorium, dormitory, or university building.” HB 121 § 2(9).

99. The Act subjects covered entities to private lawsuits for non-compliance with its restrictions. It provides that any “individual who, while accessing a restroom or changing room designated for use by the individual’s sex, encounters another individual of the opposite sex in the restroom or changing room has a private cause of action . . . against the covered entity that: (a) provided the other individual permission to use a restroom or changing room designated for the opposite sex; or (b) failed to take reasonable steps to prohibit the other individual

from using the restroom or changing room designated for the opposite sex.” HB 121 § 4(1). Similarly, any “individual who is required by a covered entity to share sleeping quarters with an individual of the opposite sex has a private cause of action” against the covered entity. HB 121 § 4(2).

100. The Act allows individuals to sue allegedly non-compliant covered entities “for declaratory and injunctive relief, nominal damages,” “attorney fees and costs,” and “any other appropriate relief.” HB 121 § 4(1), (2), (3)(b).

III. The Animus Motivating the Act

101. The Act’s purported justification for excluding transgender and intersex people from accessing public facilities that correspond to their gender identity is to protect women “from acts of abuse, harassment, sexual assault, and violence committed by men.” HB 121 § 1(2).

102. But the legislative record contains no evidence that barring transgender and intersex people from using sex-separated facilities corresponding to their gender identity would benefit women’s safety or privacy. There is no evidence of privacy or safety offenses occurring in public restrooms, changing rooms, or sleeping quarters in Montana. Nor is there evidence that transgender or intersex people have a predisposition toward such offenses.

103. To the contrary, the evidence makes clear that allowing transgender and intersex people to use sex-separated facilities consistent with their gender

identity harms no one. As of 2019, twenty-one states, the District of Columbia, and more than 200 cities and counties had enacted laws permitting transgender people to access sex-separated facilities that accord with their gender identity. This widespread adoption of anti-discrimination laws has not resulted in sexual assaults or violence in public bathrooms. An empirical survey found no evidence that privacy and safety in public restrooms changed because of the passage of ordinances proscribing discrimination on the basis of gender identity in public accommodations.

104. In fact, it is transgender and intersex people who are most vulnerable to harassment and violence in sex-separated spaces such as restrooms. Surveys have shown that transgender Americans are verbally harassed and physically attacked in public restrooms at much higher rates than cisgender people.

105. It is particularly uncomfortable—and often dangerous—for transgender and intersex people to have to use sex-separated facilities that do not correspond to their gender identity. Many transgender and intersex people avoid using public restrooms for fear of being harassed and attacked. Some fast or dehydrate to stave off, for as long as possible, having to use public restrooms, and such drastic measures can lead to health complications. If they do not have the option of using public restrooms that correspond to their gender identity, many

transgender and intersex people are forced to avoid being in public spaces altogether.

106. Statements made by the Act’s proponents reveal that it is motivated by animus against transgender people rather than any legitimate concern for public safety or privacy. During the legislative process, those proponents repeatedly denigrated transgender people, expressing the view that their gender identities should not be respected and that the mere presence of transgender people poses a threat to cisgender people.

107. Representative Kerri Seekins-Crowe, the sponsor of the Act, said: “Men do not belong in women[’s] spaces, and ignoring the biological differences creates real victims and jeopardizes the dignity and safety of girls.” Attempting to justify the Act, she insisted that “[w]omen should not have to sacrifice their privacy or their safety because of political agendas or cultural trends.”

108. Similarly, Lieutenant Governor Kristen Juras testified that “[a]cknowledging biological realities should not be complicated or controversial,” and touted the Act as part of the Legislature and the Governor’s “shared record of defending Montanans from the far left’s ideological crusade that has swept the nation.”

109. The Act itself erases official recognition of transgender and intersex identities by defining sex to exclude “an individual’s psychological, behavioral, social, chosen, or subjective experience of gender.” HB 121 § 2(12).

110. Lieutenant Governor Juras drew an explicit connection between the Act and several other recent pieces of legislation discriminating against the transgender community: 2023’s Senate Bill 99 (“SB 99”), which prohibited gender-affirming medical care for transgender youth; Senate Bill 458 (“SB 458”), also from 2023, which required Montanans to be classified by “exactly two sexes, male and female,” as defined by their reproductive capabilities; and 2021’s House Bill 112 (“HB 112”), which barred transgender girls from competing in girls’ sports. Montana courts have found each of these laws to be unconstitutional or likely unconstitutional.

111. Notably, a court permanently enjoined as unconstitutional SB 458, which imposed definitions of “sex,” “male,” and “female” that are identical to those in the Act. The court determined that SB 458 violated the Montana Constitution’s guarantees of equal protection and individual privacy. *See Edwards v. State of Montana*, Cause No. DV-23-1026, Order on Cross Motions for Summary Judgment (Mont. Fourth Jud. Dist. Ct., Missoula Cnty., Feb. 18, 2025).

112. In addition, in December 2024, a Montana district court preliminarily enjoined as likely unconstitutional both a Montana Administrative Rule preventing

the Department of Public Health and Human Services from amending birth certificates to reflect gender transitions and a related Montana Motor Vehicle Division policy prohibiting amendment of driver's licenses to reflect the holder's gender identity unless the holder provides an amended birth certificate. *See Kalarchik v. State*, Cause No. ADV-2024-261, Order Granting Plaintiffs' Motion for Preliminary Injunction (Mont. First Jud. Dist. Ct., Lewis and Clark Cnty., Dec. 16, 2024).

113. Like every other law enacted as part of this relentless offensive against the transgender community, the Act seeks to undermine transgender Montanans' personhood and ability to participate in public life. And the Act's restrictive definitions of "female" and "male" exclude intersex individuals entirely, also undermining their personhood and ability to participate in public life.

114. Because urination, bowel movements, menstrual hygiene, and sleep are not optional, people cannot stay for long in spaces where they cannot use the restroom or have no place to sleep. Notably, people who cannot access the restroom where they work or attend school will not be able to continue their employment or education.

115. By restricting transgender and intersex people's access to restrooms, changing rooms, and sleeping quarters, the Act—if allowed to take effect—

attempts to condemn this vulnerable community of Montanans to become second-class citizens relegated to the fringes of society.

CLAIMS FOR RELIEF

COUNT I: Equal Protection (Mont. Const. art. II, § 4)

(On behalf of all Plaintiffs)

116. Plaintiffs incorporate herein by reference all allegations made in the preceding paragraphs of this Complaint.

117. Article II, Section 4 of the Montana Constitution states: “The dignity of the human being is inviolable. No person shall be denied the equal protection of the laws. Neither the state nor any person, firm, corporation, or institution shall discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin or condition, or political or religious ideas.” Mont. Const. art. II, § 4.

118. Montana’s Equal Protection Clause “provides even more individual protection than does the Fourteenth Amendment to the U.S. Constitution.” *Planned Parenthood of Montana v. State*, 2024 MT 228, ¶ 29, 418 Mont. 253, 557 P.3d 440 (quoting *A.J.B. v. Mont. Eighteenth Jud. Dist. Ct.*, 2023 MT 7, ¶ 24, 411 Mont. 201, 523 P.3d 519). In addition, Article II, Section 4 enshrines a recognition of individual dignity that “[t]he federal constitution does not expressly provide.” *Walker v. State*, 2003 MT 134, ¶ 73, 316 Mont. 103, 68 P.3d 872.

119. In violation of equal protection, the Act facially discriminates against Plaintiffs and other transgender and intersex Montanans on the basis of both transgender status and sex.

120. The Act discriminates against transgender people because it permits cisgender people to use covered facilities that correspond to their gender identity while barring transgender people from doing the same.

121. The Act discriminates against intersex people because it permits people who fit in the Act’s definitions of “female” and “male” to use covered facilities while barring intersex people from doing the same. Indeed, “[b]y declaring as a matter of law that human beings can only be ‘exactly’ one of the two sexes, [the Act] explicitly excludes [intersex people] from the definition of human beings, causing immediate harm” *Edwards*, Cause No. DV-23-1026, at 11.

122. The Act discriminates on the basis of sex because a person’s ability to use a covered facility that corresponds to their gender identity turns on whether they fit into the Act’s definition of “female and “male.” In fact, “it is impossible to discriminate against a person for being . . . transgender without discriminating against that individual based on sex.” *Bostock v. Clayton Cnty.*, 590 U.S. 644, 660 (2020). It is likewise impossible to discriminate against a person for being intersex without discriminating against them based on sex.

123. Governmental discrimination against transgender people is subject to strict scrutiny because transgender status is a suspect classification. *See Cross v. State*, Cause No. DV-23-541, 2023 WL 6392607, Order Granting Plaintiffs’ Motion for Preliminary Injunction at *10 n.7 (Mont. Fourth Jud. Dist. Ct., Missoula Cnty., Sept. 27, 2023) (“[T]he Court believes that transgender persons comprise a suspect class”); *see also Cross by & through Cross v. State*, 2024 MT 303, ¶ 62, 560 P.3d 637 (McKinnon, J., concurring) (reasoning that “[s]trict scrutiny is undoubtedly the appropriate tier of scrutiny” for classifications based on transgender status).

124. In Montana and across the country, transgender people have been historically and purposefully subjected to unequal treatment for being transgender—a characteristic that bears no relation to their ability to perform in or contribute to society.

125. Even now, transgender people face discrimination, harassment, and violence at school, in the workplace, and in many other aspects of life. In Montana, the Legislature and executive branch have repeatedly enacted laws targeting transgender people. *See Factual Allegations III, supra*. At the national level, President Trump issued a flurry of executive orders within the first ten days of his current term targeting transgender people. These executive orders pronounce it “the policy of the United States to recognize two sexes, male and female,” as

“immutable biological reality” and effectively command the federal government to deny the existence of transgender people; prohibit the federal government from “fund[ing], sponsor[ing], promot[ing], assist[ing], or support[ing]” gender-affirming medical treatment for transgender youth; and ban transgender people from serving in the military. Exec. Order No. 14168, 90 FR 8615, §§ 1–2 (Jan. 20, 2025); Exec. Order No. 14187, 90 FR 8771, § 1 (Jan. 28, 2025); Exec. Order No. 14183, 90 FR 8757, § 1 (Jan. 27, 2025).

126. Moreover, transgender people suffer a level of political powerlessness that warrants heightened protection under the law because of the community’s small population and the barriers it faces to political representation.

127. The transgender community also suffers from significantly higher rates of employment discrimination, economic instability, and homelessness than the general U.S. population.

128. Governmental discrimination based on sex is likewise subject to strict scrutiny. Any right guaranteed by the Montana Constitution’s Declaration of Rights is a fundamental right that triggers strict scrutiny. *See Montana Env’t Info. Ctr. v. Dep’t of Env’t Quality*, 1999 MT 248, ¶ 63, 296 Mont. 207, 988 P.2d 1236. And the Declaration of Rights expressly provides that the state shall not “discriminate against any person in the exercise of his civil or political rights on account of . . . sex.” Mont. Const. art. II, § 4; *see, e.g., Kalarchik*, Cause No. ADV-

2024-261, at 10–11 (“Article II, Section 4 . . . establishes a fundamental right” to be free from discrimination “on account of . . . *sex*.” (emphasis in original)).

129. Laws subject to strict scrutiny must be narrowly tailored to advance a compelling state interest. Indeed, to satisfy strict scrutiny, a law must represent “the least onerous path that can be taken to achieve the state objective.” *Montana Env’t Info. Ctr.*, ¶ 61.

130. The Act cannot survive strict scrutiny, or even rational-basis review, because it is motivated by bare animus against transgender people and is not rationally related to the furtherance of any legitimate state interest, let alone narrowly tailored to further a compelling state interest.

131. The Act is not even rationally related to its stated goal of “reaffirm[ing] the longstanding meanings of the terms ‘sex’, ‘male’, and ‘female,’” HB121 § 1, because it defines these terms in a manner that is not scientifically accurate.

132. As evidenced by the repeated statements of its proponents denigrating transgender people and its express disregard for “an individual’s psychological, behavioral, social, chosen, or subjective experience of gender,” HB 121 § 2(12), the Act intentionally singles out transgender people for disfavored treatment.

133. The animus behind the Act is especially offensive to the Montana Constitution because “[t]he plain meaning of the dignity clause commands that the

intrinsic worth and the basic humanity of persons may not be violated.” *Walker*, ¶ 82.

134. Far from substantiating the Legislature’s claim that the Act advances women’s safety and privacy, the evidence shows that allowing transgender and intersex people to use public facilities consistent with their gender identity poses no threat to cisgender people. Preventing transgender and intersex people from using facilities that correspond to their gender identity, however, exposes them to increased risks of harassment and violence and renders it difficult, if not impossible, for them to participate fully in public life.

135. The Legislature has offered no evidence of privacy or safety offenses occurring in public restrooms, changing rooms, or sleeping quarters in Montana, and no evidence that transgender or intersex people have a predisposition toward such offenses.

136. Even setting aside that there is no evidence of such offenses occurring in Montana, the Act is not the least onerous path to advancing the Legislature’s purported interest in protecting women’s safety and privacy. Montana already has robust laws criminalizing abuse, sexual assault, and violence. And simple measures such as installing enclosed restroom stalls and urinal dividers are a less onerous way to preserve privacy than excluding transgender people from public facilities altogether.

COUNT II: Privacy (Mont. Const. art. II, § 10)

(On behalf of all Plaintiffs)

137. Plaintiffs incorporate herein by reference all allegations made in the preceding paragraphs of this Complaint.

138. Article II, Section 10 of the Montana Constitution provides: “The right of individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest.” Mont. Const. art. II, § 10.

139. “That the right to privacy is separately protected in the Montana Constitution ‘reflects Montanans’ historical abhorrence and distrust of excessive governmental interference in their personal lives.’” *Cross*, ¶ 22 (quoting *Gryczan v. State* (1997), 283 Mont. 433, 455, 942 P.2d 112, 125). That is why “Montana adheres to one of the most stringent protections of its citizens’ right to privacy in the United States”—protections “significantly broader” than those afforded by the U.S. Constitution. *Armstrong v. State*, 1999 MT 261, ¶¶ 34, 41, 296 Mont. 361, 989 P.2d 364.

140. Article II, Section 10 safeguards both “autonomy privacy,” which protects Montanans’ interest in “making intimate personal decisions or conducting personal activities without observation, intrusion, or interference”; and “informational privacy,” which protects Montanans’ interest in “precluding the

dissemination or misuse of sensitive and confidential information.” *State v. Nelson* (1997), 283 Mont. 231, 241, 941 P.2d 441, 448 (citation omitted).

141. Decisions about where and when to use restrooms and other facilities to perform necessary bodily functions, dress and undress, and sleep are personal and intimate. Montanans reasonably expect to be able to make such decisions without the State’s intrusion or interference. Thus, each Plaintiff has an actual and reasonable expectation of autonomy privacy in their decision to use restrooms, changing rooms, and sleeping quarters that correspond with their gender identity. But the Act commands the State’s interference in those decisions.

142. Information about a person’s gender identity, anatomy, genetic code, and medical history is sensitive and confidential. Each Plaintiff thus has an actual and reasonable expectation of informational privacy in such personal details. *See Marquez v. State*, Cause No. DV 21-873, 2022 WL 4486283, at *5 (Mont. Thirteenth Jud. Dist. Ct., Yellowstone Cnty., Apr. 21, 2022) (finding that a “person’s transgender identity” is “a profoundly private piece of information in which a transgender person has a reasonable expectation of privacy”). But by requiring transgender people to use sex-separated facilities inconsistent with their gender identity, the Act “outs” them, publicly revealing their transgender identity without their choosing to do so.

143. The Act also requires covered entities to regulate access to sex-separated facilities based on a person’s “sex chromosomes, naturally occurring sex chromosomes, gonads, and . . . genitalia present at birth.” HB 121 § 2(12). The Act therefore entails inquiries into and the public disclosure of Plaintiffs’ transgender or intersex identity, anatomy, genetic code, and medical history.

144. Moreover, whenever an individual sues a covered entity for “encounter[ing] another individual of the opposite sex in the [entity’s] restroom or changing room,” HB 121 § 4(1), the Act makes the second individual’s gender identity and birth-assigned sex an element of the legal violation. Thus, the Act opens transgender people up to subpoena and testimony about their gender identity, anatomy, genetic code, and medical history in public proceedings.

145. Because the right to privacy is a fundamental right enshrined in the Montana Constitution’s Declaration of Rights, any legislation infringing on the right is subject to strict scrutiny. *See Cross*, ¶ 22.

146. As detailed above, the Act fails strict scrutiny because it is not narrowly tailored to advance any compelling state interest, and it could not, in any event, satisfy even rational-basis review.

**COUNT III: Right to Pursue Life’s Basic Necessities
(Mont. Const. art. II, § 3)**

(On behalf of all Plaintiffs)

147. Plaintiffs incorporate herein by reference all allegations made in the preceding paragraphs of this Complaint.

148. Article II, Section 3 of the Montana Constitution guarantees: “All persons are born free and have certain inalienable rights. They include the right to a clean and healthful environment and the rights of pursuing life’s basic necessities, enjoying and defending their lives and liberties, acquiring, possessing and protecting property, and seeking their safety, health and happiness in all lawful ways.” Mont. Const. art. II, § 3.

149. Urination, bowel movements, menstrual hygiene, and sleep are not optional. Therefore, safe, unrestricted access to restrooms, changing rooms, and sleeping quarters where people can perform these basic functions is a necessity of life.

150. The Act denies transgender and intersex people such access. Instead, the Act forces transgender Montanans into the Hobson’s choice between using sex-separated facilities inconsistent with their gender identity—an uncomfortable, humiliating, and often dangerous prospect—and avoiding public spaces altogether.

151. Under the Act, Plaintiffs would not be able to maintain their employment in public buildings, continue their education in public schools or

universities, or engage in the countless professional and personal activities that people pursue in public spaces. *See Wadsworth v. State* (1996), 275 Mont. 287, 299, 911 P.2d 1165, 1172 (explaining that “without the right to the opportunity to pursue employment, the right to pursue life’s basic necessities would have little meaning”).

152. The Act applies even in hospital settings, compromising transgender Montanans’ access to healthcare that could be the difference between life and death.

153. Because the right to pursue life’s basic necessities is a fundamental right enshrined in the Montana Constitution’s Declaration of Rights, any legislation infringing on that right is subject to strict scrutiny. *See Wadsworth*, 275 Mont. at 299, 911 P.2d at 1172.

154. As detailed above, the Act fails strict scrutiny because it is not narrowly tailored to advance any compelling state interest, and it could not, in any event, satisfy even rational-basis review.

COUNT IV: Due Process (Mont. Const. art. II, § 17)

(On behalf of Plaintiff John Doe)

155. Plaintiffs incorporate herein by reference all allegations made in the preceding paragraphs of this Complaint.

156. Article II, Section 17 of the Montana Constitution provides: “No person shall be deprived of life, liberty, or property without due process of law.” Mont. Const. art. II, § 17. The Due Process Clause requires that “[a] statute must be drawn with sufficient clarity and definiteness to inform persons of ordinary intelligence what actions are proscribed.” *City of Whitefish v. O’Shaughnessy* (1985), 216 Mont. 433, 440, 704 P.2d 1021, 1025. Statutes that lack the requisite clarity are void for vagueness. *Id.*

157. “A statute is void on its face if it fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden.” *State v. Dugan*, 2013 MT 38, ¶ 67, 369 Mont. 39, 303 P.3d 755 (citation and internal quotation marks omitted). A statute is vague as applied if it fails to “provide[] a person with actual notice” or “minimal guidelines to law enforcement.” *Id.* (citation and internal quotation marks omitted).

158. The Act is unconstitutionally vague both on its face and as applied with respect to intersex people because it excludes intersex people in its scientifically inaccurate definitions of “sex,” “female,” and “male.” *See Edwards*, Cause No. DV-23-1026, at 11. As a result, intersex people—including Plaintiff John Doe—do not have fair or actual notice about whether the Act classifies them as male or female, and do not know which sex-separated facilities (if any) they are

permitted to use. They are subject to standardless and arbitrary decisionmaking by whatever entities are enforcing the Act.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

- A. Declare the Act unlawful and unconstitutional on its face and as applied for the reasons set forth above;
- B. Preliminarily and permanently enjoin Defendants, as well as their agents, officers, employees, representatives, successors, and any other persons who are in active concert or participation with them from maintaining in force, enforcing, or giving legal effect to the Act, directly or indirectly;
- C. Award Plaintiffs the reasonable attorney's fees and costs incurred in bringing this action; and
- D. Grant any other relief the Court deems just and proper.

Dated: March 27, 2025

Respectfully submitted,

By: /s/ Alex Rate
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**Pro Hac Vice* applications
forthcoming

EXHIBIT A



AN ACT PROVIDING FOR PRIVACY IN CERTAIN RESTROOMS, CHANGING ROOMS, AND SLEEPING QUARTERS; REQUIRING THAT COVERED ENTITIES DESIGNATE MULTI-OCCUPANCY RESTROOMS, CHANGING ROOMS, AND SLEEPING QUARTERS FOR THE EXCLUSIVE USE OF MALES OR FEMALES; REQUIRING THAT INDIVIDUALS USE RESTROOMS, CHANGING ROOMS, AND SLEEPING QUARTERS DESIGNATED FOR THEIR SEX; PROVIDING DEFINITIONS; PROVIDING EXCEPTIONS; PROVIDING REMEDIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Purpose. The purposes of [sections 1 through 4] are to:

- (1) reaffirm the longstanding meanings of the terms "sex", "male", and "female" in law; and
- (2) preserve women's restrooms, changing rooms, and sleeping quarters for women in facilities where women have traditionally been afforded privacy and safety from acts of abuse, harassment, sexual assault, and violence committed by men.

Section 2. Definitions. For the purposes of [sections 1 through 4], the following definitions apply:

- (1) "Changing room" means a room or area in which an individual may be in a state of undress in the presence of others, including a locker room or shower room.
- (2) "Correctional center" means a facility that houses individuals charged with or convicted of a criminal offense and that is designed, constructed, or operated by the department of corrections.
- (3) "Covered entity" means a correctional center, a juvenile detention facility, a local domestic violence program, a public building, or a public school.
- (4) "Female" means a member of the human species who, under normal development, has XX chromosomes and produces or would produce relatively large, relatively immobile gametes, or eggs, during her

life cycle and has a reproductive and endocrine system oriented around the production of those gametes. An individual who would otherwise fall within this definition, but for a biological or genetic condition, is female.

(5) "Juvenile detention facility" means a short-term detention center, a youth detention facility, including a regional detention facility, or a secure detention facility that is under contract with the state or a subdivision of the state.

(6) "Local domestic violence program" means a shelter or safe home for victims of domestic violence that is funded by the Family Violence Prevention and Services Act grant program established in 44-7-401.

(7) "Male" means a member of the human species who, under normal development, has XY chromosomes and produces or would produce small, mobile gametes, or sperm, during his life cycle and has a reproductive and endocrine system oriented around the production of those gametes. An individual who would otherwise fall within this definition, but for a biological or genetic condition, is male.

(8) "Multi-occupancy" means a space that is designed for use by multiple individuals simultaneously.

(9) "Public building" means a building that is owned or leased by a public agency as defined in 18-1-101 and that is open to the public, including but not limited to:

- (a) a building that is used for educational, office, or institutional purposes; or
- (b) a library, museum, school, hospital, auditorium, dormitory, or university building.

(10) "Public school" means a noncharter public school or a public charter school as those terms are defined in 20-6-803.

(11) "Restroom" means a room that includes one or more toilets or urinals.

(12) "Sex" means the organization of the body parts and gametes for reproduction in human beings and other organisms. In human beings, there are exactly two sexes, male and female, with two corresponding types of gametes. The sexes are determined by the biological and genetic indication of male or female, including sex chromosomes, naturally occurring sex chromosomes, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, behavioral, social, chosen, or subjective experience of gender.

(13) "Sleeping quarters" means a room with one or more beds and in which more than one

individual is housed overnight.

Section 3. Safety and privacy in covered entities. (1) A covered entity shall designate each multi-occupancy restroom, changing room, or sleeping quarters for the exclusive use of females or males.

(2) A restroom, changing room, or sleeping quarters within a covered entity that is designated for females or males may be used only by members of that sex. Except as provided in subsection (4), an individual may not enter a restroom, changing room, or sleeping quarters that is designated for females or males unless the individual is a member of the designated sex.

(3) A covered entity shall take reasonable steps to provide individuals with privacy from members of the opposite sex in designated restrooms, changing rooms, and sleeping quarters.

(4) This section does not apply to an individual who enters a restroom, changing room, or sleeping quarters designated for the opposite sex:

- (a) to perform custodial services or maintenance;
- (b) to render medical assistance;
- (c) to render law enforcement assistance; or
- (d) to provide services or render aid during a natural disaster or declared emergency or if necessary to prevent a serious threat to good order and safety.

(5) (a) For any activity or event authorized by a public school during which students share sleeping quarters, a student may not be required to share sleeping quarters with a member of the opposite sex unless the other individual is a member of the student's family, such as a parent, guardian, sibling, or grandparent.

(b) In any other facility or setting in a public school where an individual may be in a state of undress in the presence of others, school personnel shall provide separate, private areas designated for use by individuals based on their sex. Except as provided in subsection (4), an individual may not enter a private area unless the individual is a member of the designated sex.

(6) This section may not be construed to prohibit a covered entity from:

- (a) adopting policies necessary to accommodate individuals protected under the Americans with Disabilities Act of 1990 or young children or elderly persons in need of assistance;
- (b) establishing single-occupancy restrooms, changing rooms, or sleeping quarters or family

restrooms, changing rooms, or sleeping quarters; or

(c) redesignating a multi-occupancy restroom, changing room, or sleeping quarters designated for exclusive use by one sex to a designation for exclusive use by the opposite sex.

Section 4. Remedies. (1) An individual who, while accessing a restroom or changing room designated for use by the individual's sex, encounters another individual of the opposite sex in the restroom or changing room has a private cause of action for declaratory and injunctive relief, nominal damages, and any other appropriate relief against the covered entity that:

(a) provided the other individual permission to use a restroom or changing room designated for the opposite sex; or

(b) failed to take reasonable steps to prohibit the other individual from using the restroom or changing room designated for the opposite sex.

(2) An individual who is required by a covered entity to share sleeping quarters with an individual of the opposite sex has a private cause of action for declaratory and injunctive relief, nominal damages, and any other appropriate relief against the covered entity.

(3) (a) All civil actions brought pursuant to this section must be initiated within 2 years after the violation occurred.

(b) An individual aggrieved under this section who prevails in court may recover reasonable attorney fees and costs from the offending covered entity.

Section 5. Codification instruction. [Sections 1 through 4] are intended to be codified as a new part in Title 50, chapter 4, and the provisions of Title 50, chapter 4, apply to [sections 1 through 4].

Section 6. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 7. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 121, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2025.

President of the Senate

Signed this _____ day
of _____, 2025.

HOUSE BILL NO. 121

INTRODUCED BY K. SEEKINS-CROWE, E. BYRNE, L. DEMING, N. DURAM, S. FITZPATRICK, J. FULLER,
J. GILLETTE, S. GIST, G. HERTZ, S. KELLY, S. KLAKKEN, G. KMETZ, B. LER, K. LOVE, S. MANESS, R.
MARSHALL, T. MCGILLVRAY, B. MITCHELL, F. NAVE, G. OBLANDER, G. OVERSTREET, A. REGIER, M.
REGIER, V. RICCI, J. SCHILLINGER, C. SCHOMER, L. SCHUBERT, T. TEZAK, M. THIEL, Z. WIRTH, C.
GLIMM, D. LENZ, M. NOLAND, B. USHER, J. HINKLE

AN ACT PROVIDING FOR PRIVACY IN CERTAIN RESTROOMS, CHANGING ROOMS, AND SLEEPING
QUARTERS; REQUIRING THAT COVERED ENTITIES DESIGNATE MULTI-OCCUPANCY RESTROOMS,
CHANGING ROOMS, AND SLEEPING QUARTERS FOR THE EXCLUSIVE USE OF MALES OR FEMALES;
REQUIRING THAT INDIVIDUALS USE RESTROOMS, CHANGING ROOMS, AND SLEEPING QUARTERS
DESIGNATED FOR THEIR SEX; PROVIDING DEFINITIONS; PROVIDING EXCEPTIONS; PROVIDING
REMEDIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.”

CERTIFICATE OF SERVICE

I, Alexander H. Rate, hereby certify that I have served true and accurate copies of the foregoing Complaint - Complaint to the following on 03-27-2025:

Austin Miles Knudsen (Govt Attorney)
215 N. Sanders
Helena MT 59620
Service Method: eService
E-mail Address: dojsupremecourtefilings@mt.gov

Electronically signed by Krystel Pickens on behalf of Alexander H. Rate
Dated: 03-27-2025