

HOUSE BILL NO. 1473

Introduced by

Representatives S. Olson, Bellew, Henderson, Hoverson, Prichard, Steiner, VanWinkle

Senator Paulson

1 A BILL for an Act to create and enact a new section to chapter 12-44.1, a new section to chapter
2 12-46, a new section to chapter 12-47, a new section to chapter 14-07.1, and a new section to
3 chapter 15-10, ~~and two new sections to chapter 15.1-19~~ of the North Dakota Century Code,
4 relating to ~~participation in school-sponsored athletic events exclusively for males or females~~, the
5 use of restrooms, locker rooms, and shower rooms in a ~~public school~~, a dormitory or living
6 facility controlled by the state board of higher education, a correctional facility, a domestic
7 violence sexual assault organization facility, the North Dakota youth correctional center, and the
8 penitentiary exclusively for males and females.

9 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

10 **SECTION 1.** A new section to chapter 12-44.1 of the North Dakota Century Code is created
11 and enacted as follows:

12 **Restrooms and shower rooms exclusively for males or exclusively for females.**

- 13 1. In a correctional facility, a restroom or shower room accessible by multiple inmates at
14 the same time must be designated for use exclusively for males or exclusively for
15 females.
- 16 2. In a correctional facility, a restroom or shower room designated for one sex may be
17 used only by members of that sex.
- 18 3. This section does not prohibit an administrator or correctional facility staff member
19 from providing a reasonable accommodation for an inmate, including a transgender or
20 gender-nonconforming inmate.

21 **SECTION 2.** A new section to chapter 12-46 of the North Dakota Century Code is created
22 and enacted as follows:

1 **Restrooms and shower rooms exclusively for males or exclusively for females.**

2 1. At the North Dakota youth correctional center, a restroom or shower room accessible
3 by multiple inmates at the same time must be designated for use exclusively for males
4 or exclusively for females.

5 2. At the North Dakota youth correctional center, a restroom or shower room designated
6 for one sex may be used only by members of that sex.

7 3. This section does not prohibit the administrator, an officer, or an employee from
8 providing a reasonable accommodation for a child placed at the North Dakota youth
9 correctional center, including a transgender or gender-nonconforming child.

10 **SECTION 3.** A new section to chapter 12-47 of the North Dakota Century Code is created
11 and enacted as follows:

12 **Restrooms and shower rooms exclusively for males or exclusively for females.**

13 1. At the penitentiary, a restroom or shower room accessible by multiple inmates at the
14 same time must be designated for use exclusively for males or exclusively for females.

15 2. At the penitentiary, a restroom or shower room designated for one sex may be used
16 only by members of that sex.

17 3. This section does not prohibit the warden, a deputy warden, an officer, or an agent
18 from providing a reasonable accommodation for an inmate, including a transgender or
19 gender-nonconforming inmate.

20 **SECTION 4.** A new section to chapter 14-07.1 of the North Dakota Century Code is created
21 and enacted as follows:

22 **Restrooms and shower rooms exclusively for males or exclusively for females.**

23 1. At a domestic violence sexual assault organization facility, a restroom or shower room
24 accessible by multiple clients at the same time must be designated for use exclusively
25 for males or exclusively for females.

26 2. At a domestic violence sexual assault organization facility, a restroom or shower room
27 designated for one sex may be used only by members of that sex.

28 3. This section does not prohibit an agent, employee, or volunteer from providing a
29 reasonable accommodation for a client, including a transgender or gender-
30 nonconforming client.

1 **SECTION 5.** A new section to chapter 15-10 of the North Dakota Century Code is created
2 and enacted as follows:

3 **Restrooms and shower rooms exclusively for males or exclusively for females under**
4 **the age of eighteen.**

- 5 1. In a dormitory or living facility controlled by an institution under the control of the state
6 board of higher education, a restroom or shower room accessible by multiple residents
7 at the same time must be designated for use exclusively for males or exclusively for
8 females.
- 9 2. In a dormitory or living facility controlled by an institution under the control of the state
10 board of higher education, a restroom or shower room designated for one sex may be
11 used only by members of that sex.
- 12 3. This section applies to a dormitory or a dormitory floor in which residents are
13 segregated by sex or gender.
- 14 4. This section does not prohibit a dormitory administrator or dormitory staff member
15 from providing a reasonable accommodation for a resident, including a transgender or
16 gender-nonconforming resident.

17 ~~**SECTION 6.** A new section to chapter 15.1-19 of the North Dakota Century Code is created~~
18 ~~and enacted as follows:~~

19 ~~**Athletic events exclusively for males or exclusively for females.**~~

- 20 ~~1. The board of a public elementary or secondary school district may not knowingly allow~~
21 ~~an individual of the opposite sex who is enrolled in a public elementary or secondary~~
22 ~~school to participate on a school-sponsored athletic team that is exclusively for~~
23 ~~females or exclusively for males.~~
- 24 ~~2. This section may not be construed to prohibit a female from participating in a school-~~
25 ~~sponsored athletic team or event that is exclusively for males.~~

26 ~~**SECTION 7.** A new section to chapter 15.1-19 of the North Dakota Century Code is created~~
27 ~~and enacted as follows:~~

1 ~~Restrooms, locker rooms, and shower rooms exclusively for males or exclusively for~~
2 ~~females.~~

3 ~~1. In a public school or building on school district premises, a student restroom, locker~~
4 ~~room, or shower room accessible by multiple students at the same time must be~~
5 ~~designated for use exclusively for males or exclusively for females.~~

6 ~~2. In a public school or building on school district premises, a student restroom, locker~~
7 ~~room, or shower room designated for one sex may be used only by members of that~~
8 ~~sex.~~

9 ~~3. This section does not prohibit a school administrator from providing a reasonable~~
10 ~~accommodation for a student, including a transgender or gender-nonconforming~~
11 ~~student. A reasonable accommodation may include the use of a single occupancy~~
12 ~~restroom or changing facility.~~