

HOUSE BILL NO. 1522

Introduced by

Representatives Dyk, Christensen, Timmons, VanWinkle

Senators Beard, Weston

1 A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota
2 Century Code, relating to providing accommodations to a transgender student; to provide a
3 penalty; and to declare an emergency.

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

5 **SECTION 1.** A new section to chapter 15.1-06 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Transgender student accommodations - Prohibited - Exception - Private right of**
8 **action.**

- 9 1. As used in this section, "sex" means the biological state of being male and female,
10 based on the individual's nonambiguous sex organs, chromosomes, and endogenous
11 hormone profiles at birth.
- 12 2. Except as provided in subsection 3, a board of a school district, a public or private
13 school, or a teacher in a public or private school may not:
- 14 a. Adopt a policy establishing a place, facility, school program, or accommodation
15 that caters to a student's perceived or expressed gender, including a preferred
16 gender pronoun, if the perceived or expressed gender is inconsistent with the
17 student's sex;
- 18 b. Provide a place, facility, school program, or accommodation catering to a
19 student's perceived or expressed gender, including a preferred gender pronoun, if
20 the perceived or expressed gender is inconsistent with the student's sex; or
- 21 c. Adopt a policy establishing or providing a place, facility, school program, or
22 accommodation that caters to a student's perception of being any animal species
23 other than human.

- 1 3. A board of a school district, a public or private school, or a teacher in a public or
2 private school may establish or provide a unisex restroom accommodation for a
3 student, only if:
- 4 a. The student had gender-affirming surgery before the effective date of this Act;
5 and
6 b. The board, school, or teacher obtains written consent from the student's parent or
7 legal guardian to establish or provide the unisex restroom accommodation.
- 8 4. Notwithstanding any other provision of law, a violation of this section subjects a private
9 school or the board of the school district that governs the school at which the violation
10 occurred to a civil cause of action by a parent or legal guardian of a student who
11 attends the school at which the violation occurred and has suffered damages because
12 of the violation.
- 13 5. Notwithstanding section 32-03.2-11, a court shall award the following remedies to a
14 plaintiff that prevails in an action under subsection 4:
- 15 a. Damages;
16 b. Costs and fees, including reasonable attorney fees; and
17 c. Exemplary damages in an amount up to five hundred thousand dollars.

18 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.