

Sixty-eighth  
Legislative Assembly  
of North Dakota

## REENGROSSED 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 14-02.4 and a new section to  
2 chapter 15.1-06 of the North Dakota Century Code, relating to preferred pronouns and providing  
3 accommodations to a transgender student; to provide a 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 14-02.4 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Preferred pronoun - Government entity.**

8 1. Unless otherwise required by law, a government entity may not adopt a policy  
9 requiring or prohibiting:

10 a. An employee's use of an individual's preferred pronoun when addressing or  
11 mentioning the individual in work-related communications; or

12 b. The designation of an employee's preferred pronoun in work-related  
13 communications.

14 2. An individual may assert a violation of this section as a claim or defense in a judicial  
15 proceeding and is entitled to recover appropriate relief, including reasonable attorney  
16 fees and court costs.

17 **SECTION 2.** A new section to chapter 15.1-06 of the North Dakota Century Code is created  
18 and enacted as follows:

19 **Transgender student accommodations.**

20 1. A board of a school district, public school, or public school teacher may not adopt a  
21 policy that requires or prohibits any individual from using a student's preferred gender  
22 pronoun.

- 1        2. A board of a school district shall establish, ~~in consultation~~ with the approval of the  
2        parent or legal guardian, a ~~policy~~ plan for the use of a separate restroom  
3        accommodation for a transgender student.
- 4        3. A board of a school district or a public school shall prohibit a student from using a  
5        restroom that does not coincide with the student's biological sex.
- 6        4. Unless otherwise required by law, a school district, public school, or public school  
7        teacher may not:
- 8        a. Adopt a policy concerning a particular student's transgender status without  
9        approval from the student's parent or legal guardian; or
- 10       b. Withhold or conceal information about a student's transgender status from the  
11       student's parent or legal guardian.
- 12       ~~4. Notwithstanding any other provision of law, a violation of this section subjects the~~  
13       ~~board of a school district or a school to a civil cause of action by an individual or a~~  
14       ~~parent or legal guardian of a student who has suffered damages because of the~~  
15       ~~violation.~~
- 16       ~~5. Notwithstanding section 32-03.2-11, a court shall award the following remedies to a~~  
17       ~~plaintiff that prevails in an action under subsection 4:~~
- 18       ~~a. Damages;~~
- 19       ~~b. Costs and fees, including reasonable attorney fees; and~~
- 20       ~~c. Exemplary damages in an amount up to twenty-five thousand dollars.~~

21        **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.