

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED 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 of the North Dakota Century Code, relating to the use of restrooms, locker
4 rooms, and shower rooms in a dormitory or living facility controlled by the state board of higher
5 education, a correctional facility, a domestic violence sexual assault organization facility, the
6 North Dakota youth correctional center, and the penitentiary exclusively for males and females.

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

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

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

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

20 **SECTION 2.** A new section to chapter 12-46 of the North Dakota Century Code is created
21 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~~An administrator, an officer, or an employee from
8 ~~providing~~shall provide a reasonable accommodation for a child placed at the North
9 Dakota youth correctional center, including a transgender or gender-nonconforming
10 child, as deemed appropriate by the administrator.

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

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

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

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

18 3. ~~This section does not prohibit the~~The warden, a deputy warden, an officer, or an agent
19 ~~from providing~~shall provide a reasonable accommodation for an inmate, including a
20 transgender or gender-nonconforming inmate, as deemed appropriate by the warden.

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

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

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

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

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

1 nonconforming client, as deemed appropriate by the organization's executive
2 leadership personnel.

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

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

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