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Prepared by the Legislative Council staff for Representative Frelich
January 31, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1144

Introduced by

Representatives Tveit, D. Anderson, Frelich, Klemin, McLeod, S. Olson, Rohr, Schatz

Senators Weston, Clemens

A BILL for an Act to amend and reenact section 15.1-06-21 of the North Dakota Century Code, relating to transgender student accommodations and restroom use in public schools; and to provide a penalty~~; and to declare an emergency~~.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-06-21 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-21. Transgender student accommodations - Restroom use - Enforcement - Penalty.

1. A board of a school district, public school, or public school teacher may not adopt a policy ~~that requires or prohibits any~~or guidelines, whether implicit or explicit, requiring or prohibiting an individual from using a student's preferred gender pronoun.
2. A board of a school district shall establish, with the approval of the parent or legal guardian, a plan for the use of a separate restroom accommodation for a transgender student.
3. A board of a school district or a public school shall prohibit a student from using a restroom that does not coincide with the student's biological sex.
4. A restroom or shower room on school grounds, which is accessible by multiple individuals at one time, must be designated for use exclusively for males or exclusively for females and may be used only by members of the designated sex. Multi-stall or multi-room gender neutral restrooms and shower rooms are prohibited. A restroom for

males and a restroom for females may not be located together with a communal sink or communal area where students enter and exit an individual stall or room.

5. Unless otherwise required by law, a school district, public school, or public school teacher may not:

   a. Adopt a policy or guidelines, whether implicit or explicit, concerning a particular student's transgender status without approval from the student's parent or legal guardian; or

   b. Withhold or conceal information about a student's transgender status from the student's parent or legal guardian.

6. The parent of a student in a school district may submit a complaint to the attorney general, in the manner prescribed by the attorney general, if the school district appears to the parent to be violating this section.

7. ~~The~~Upon receipt of a complaint under subsection 6, the attorney general shall enforce this section and may conduct investigations by:

   a. Examining under oath any individual responsible for an alleged violation of this section.

   b. Issuing subpoenas.

   c. Applying to a district court for an order enforcing the subpoena or other investigation demand.

~~7.~~8. For a violation of this section, the attorney general may seek and obtain a declaratory judgment or injunction in district court which prohibits the board of a school district, a public school, or a public school teacher from continuing the unlawful practice.

~~8.~~9. The court may assess a civil penalty in an amount not to exceed two thousand five hundred dollars for each violation of this section.

10. If a school had the number of toilets per students required by the state plumbing board on January 1, 2025, and modifying the designation of a gender neutral restroom to an exclusively male or exclusively female restroom to comply with this section causes the school to be out of compliance with the required toilet to student ratio of the state plumbing board, the school is exempt from that requirement.

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