

**Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025**

HOUSE BILL NO. 1144
(Representatives Tveit, D. Anderson, Frelich, Klemin, McLeod, S. Olson, Rohr, Schatz)
(Senators Weston, Clemens)

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; 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 gender neutral restrooms and shower rooms are prohibited. This subsection does not apply to a restroom in existence on July 1, 2025.
5. Notwithstanding subsection 4:
 - a. An individual may use a restroom in accordance with the federal Individuals with Disabilities Education Act of 1990 [20 U.S.C. 1400 et seq.], section 504 of the federal Rehabilitation Act of 1973 [29 U.S.C. 794], the federal Americans with Disabilities Act [42 U.S.C. 12131 et seq.]; and
 - b. A public school may change the designation of a restroom or shower room from one designated sex to the other designated sex to accommodate a school-sponsored event.
6. 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.
7. The parent of a student in a school district may submit a complaint to the school district, in the manner prescribed by the school district policy, if the school district appears to the parent to be violating this section.

8. After the parent has made a complaint under subsection 7, if it appears to the parent the school district is violating this section, the parent may submit a complaint to the attorney general.
9. Upon receipt of a complaint under subsection 8, 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.
10. 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.
11. The court may assess a civil penalty in an amount not to exceed two thousand five hundred dollars for each violation of this section.

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1144 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 75 Nays 14 Absent 5

Speaker of the House

Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 40 Nays 7 Absent 0

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2025.

Approved at _____ M. on _____, 2025.

Governor

Filed in this office this _____ day of _____, 2025,
at _____ o'clock _____ M.

Secretary of State