

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~~ adopt a policy establishing a place, facility, school program, or
15 accommodation that caters to a student's perceived or expressed gender,
16 including ~~requires or prohibits any individual from using a student's preferred~~
17 gender pronoun, ~~if the perceived or expressed gender is inconsistent with the~~
18 ~~student's sex;~~

19 ~~b. Provide a place, facility, school program, or accommodation catering to a~~
20 ~~student's perceived or expressed gender, including a preferred gender pronoun, if~~
21 ~~the perceived or expressed gender is inconsistent with the student's sex; or~~

22 ~~c. Adopt a policy establishing or providing a place, facility, school program, or~~
23 ~~accommodation that caters to a student's perception of being any animal species~~
24 ~~other than human.~~

- 1 ~~3.2.~~ A board of a school district, ~~a public or private school, or a teacher in a public or~~
2 ~~private school may shall~~ establish ~~or provide,~~ in consultation with the parent or legal
3 guardian, a ~~unisex~~ policy for the use of a separate restroom accommodation for a
4 transgender student, ~~only if:~~
- 5 ~~a. The student had gender-affirming surgery before the effective date of this Act;~~
6 ~~and~~
- 7 ~~b. The board, school, or teacher obtains written consent from the student's parent or~~
8 ~~legal guardian to establish or provide the unisex restroom accommodation.~~
- 9 ~~4.3.~~ Notwithstanding any other provision of law, a violation of this section subjects ~~a private~~
10 ~~school or~~ the board of ~~the~~ school district ~~that governs the school at which the~~
11 ~~violation occurred~~ to a civil cause of action by ~~an individual or~~ a parent or legal
12 guardian of a transgender student who ~~attends the school at which the violation~~
13 ~~occurred and~~ has suffered damages because of the violation.
- 14 ~~5.4.~~ Notwithstanding section 32-03.2-11, a court shall award the following remedies to a
15 plaintiff that prevails in an action under subsection ~~43:~~
- 16 a. ~~Damages;~~
- 17 b. ~~Costs and fees, including reasonable attorney fees; and~~
- 18 c. ~~Exemplary damages in an amount up to five hundred~~ ~~twenty-five~~ thousand
19 dollars.

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