

Sixty-ninth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED HOUSE BILL NO. 1144

Introduced by

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

Senators Weston, Clemens

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

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

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

7 **15.1-06-21. Transgender student accommodations - Restroom use - Enforcement -**
8 **Penalty.**

- 9 1. A board of a school district, public school, or public school teacher may not adopt a
10 policy ~~that requires or prohibits any~~ or guidelines, whether implicit or explicit, requiring
11 or prohibiting an individual from using a student's preferred gender pronoun.
- 12 2. A board of a school district shall establish, with the approval of the parent or legal
13 guardian, a plan for the use of a separate restroom accommodation for a transgender
14 student.
- 15 3. A board of a school district or a public school shall prohibit a student from using a
16 restroom that does not coincide with the student's biological sex.
- 17 4. A restroom or shower room on school grounds, which is accessible by multiple
18 individuals at one time, must be designated for use exclusively for males or exclusively
19 for females and may be used only by members of the designated sex. Multi-stall
20 gender neutral restrooms and shower rooms are prohibited. This subsection does not
21 apply to a restroom in existence on July 1, 2025.
- 22 5. Notwithstanding subsection 4:

- 1 a. An individual may use a restroom in accordance with the federal Individuals with
2 Disabilities Education Act of 1990 [20 U.S.C. 1400 et seq.], section 504 of the
3 federal Rehabilitation Act of 1973 [29 U.S.C. 794], the federal Americans with
4 Disabilities Act [42 U.S.C. 12131 et seq.]; and
- 5 b. A public school may change the designation of a restroom or shower room from
6 one designated sex to the other designated sex to accommodate a school-
7 sponsored event.
- 8 6. Unless otherwise required by law, a school district, public school, or public school
9 teacher may not:
 - 10 a. Adopt a policy or guidelines, whether implicit or explicit, concerning a particular
11 student's transgender status without approval from the student's parent or legal
12 guardian; or
 - 13 b. Withhold or conceal information about a student's transgender status from the
14 student's parent or legal guardian.
- 15 7. The parent of a student in a school district may submit a complaint to the school
16 district, in the manner prescribed by the school district policy, if the school district
17 appears to the parent to be violating this section.
- 18 8. After the parent has made a complaint under subsection 7, if it appears to the parent
19 the school district is violating this section, the parent may submit a complaint to the
20 attorney general.
- 21 9. Upon receipt of a complaint under subsection 8, the attorney general shall enforce this
22 section and may conduct investigations by:
 - 23 a. Examining under oath any individual responsible for an alleged violation of this
24 section.
 - 25 b. Issuing subpoenas.
 - 26 c. Applying to a district court for an order enforcing the subpoena or other
27 investigation demand.
- 28 10. For a violation of this section, the attorney general may seek and obtain a declaratory
29 judgment or injunction in district court which prohibits the board of a school district, a
30 public school, or a public school teacher from continuing the unlawful practice.

- 1 11. The court may assess a civil penalty in an amount not to exceed two thousand five
2 hundred dollars for each violation of this section.

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