

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED HOUSE BILL NO. 1144

Introduced by

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

*In place of amendment (25.0440.04004) adopted by the Senate, Engrossed House Bill
No. 1144 is amended by amendment (25.0440.04005) as follows:*

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; and to
3 provide a penalty.

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~~ 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 ~~or~~
20 multi-room gender neutral restrooms and shower rooms are prohibited. ~~A restroom for~~

1 ~~males and a restroom for females may not be located together with a communal sink-~~
2 ~~or communal area where students enter and exit an individual stall or room. This~~
3 ~~subsection does not apply:~~

4 a. To a restroom or shower room in existence on July 1, 2025.

5 b. If a student requires an accommodation under the federal Individuals with
6 Disabilities Education Act of 1990 [20 U.S.C. 1400 et seq.], section 504 of the
7 federal Rehabilitation Act of 1973 [29 U.S.C. 794], the federal Americans with
8 Disabilities Act [42 U.S.C. 12131 et seq.], or other law which would otherwise
9 violate this subsection.

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

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

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

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

20 7. After the parent has made a complaint under subsection 6, if it appears to the parent
21 the school district is violating this section, the parent may submit a complaint to the
22 attorney general.

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

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

27 b. Issuing subpoenas.

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

1 8.9. For a violation of this section, the attorney general may seek and obtain a declaratory
2 judgment or injunction in district court which prohibits the board of a school district, a
3 public school, or a public school teacher from continuing the unlawful practice.

4 9.10. The court may assess a civil penalty in an amount not to exceed two thousand five
5 hundred dollars for each violation of this section.

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