

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1473

Introduced by

Representatives S. Olson, Bellew, Henderson, Hoverson, Prichard, Steiner, VanWinkle

Senator Paulson

1 A BILL for an Act to create and enact a new section to chapter 12-44.1, a new section to chapter
2 12-46, a new section to chapter 12-47, ~~a new section to chapter 14-07.1,~~ and a new section to
3 chapter 15-10 of the North Dakota Century Code, relating to the use of restrooms, locker
4 rooms, and shower rooms in a dormitory or living facility controlled by the state board of higher
5 education, a correctional facility, ~~a domestic violence sexual assault organization facility,~~ the
6 North Dakota youth correctional center, and the penitentiary exclusively for males and females.

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

8 **SECTION 1.** A new section to chapter 12-44.1 of the North Dakota Century Code is created
9 and enacted as follows:

10 **Restrooms and shower rooms exclusively for males or exclusively for females.**

- 11 1. In a correctional facility, a restroom or shower room accessible by multiple inmates at
12 the same time must be designated for use exclusively for males or exclusively for
13 females.
- 14 2. In a correctional facility, a restroom or shower room designated for one sex may be
15 used only by members of that sex.
- 16 3. ~~This section does not prohibit an~~ An administrator or correctional facility staff member
17 from providing shall provide a reasonable accommodation for an inmate, including a
18 transgender or gender-nonconforming inmate, as deemed appropriate by the
19 administrator.

20 **SECTION 2.** A new section to chapter 12-46 of the North Dakota Century Code is created
21 and enacted as follows:

1 **Restrooms and shower rooms exclusively for males or exclusively for females.**

- 2 1. At the North Dakota youth correctional center, a restroom or shower room accessible
3 by multiple inmates at the same time must be designated for use exclusively for males
4 or exclusively for females.
- 5 2. At the North Dakota youth correctional center, a restroom or shower room designated
6 for one sex may be used only by members of that sex.
- 7 3. ~~This section does not prohibit the~~An administrator, an officer, or an employee ~~from~~
8 ~~providing~~shall provide a reasonable accommodation for a child placed at the North
9 Dakota youth correctional center, including a transgender or gender-nonconforming
10 child, ~~as deemed appropriate by the administrator.~~

11 **SECTION 3.** A new section to chapter 12-47 of the North Dakota Century Code is created
12 and enacted as follows:

13 **Restrooms and shower rooms exclusively for males or exclusively for females.**

- 14 1. At the penitentiary, a restroom or shower room accessible by multiple inmates at the
15 same time must be designated for use exclusively for males or exclusively for females.
- 16 2. At the penitentiary, a restroom or shower room designated for one sex may be used
17 only by members of that sex.
- 18 3. ~~This section does not prohibit the~~The warden, a deputy warden, an officer, or an agent
19 ~~from providing~~shall provide a reasonable accommodation for an inmate, including a
20 transgender or gender-nonconforming inmate, ~~as deemed appropriate by the warden.~~

21 ~~**SECTION 4.** A new section to chapter 14-07.1 of the North Dakota Century Code is created~~
22 ~~and enacted as follows:~~

23 ~~**Restrooms and shower rooms exclusively for males or exclusively for females.**~~

- 24 ~~1. At a domestic violence sexual assault organization facility, a restroom or shower room~~
25 ~~accessible by multiple clients at the same time must be designated for use exclusively~~
26 ~~for males or exclusively for females.~~
- 27 ~~2. At a domestic violence sexual assault organization facility, a restroom or shower room~~
28 ~~designated for one sex may be used only by members of that sex.~~
- 29 ~~3. This section does not prohibit an agent, employee, or volunteer from providing a~~
30 ~~reasonable accommodation for a client, including a transgender or gender-~~
31 ~~nonconforming client.~~

1 **SECTION 4.** A new section to chapter 15-10 of the North Dakota Century Code is created
2 and enacted as follows:

3 **Restrooms and shower rooms exclusively for males or exclusively for females**~~**-under**~~
4 ~~**the age of eighteen.**~~

- 5 1. In a dormitory or living facility controlled by an institution under the control of the state
6 board of higher education, a restroom or shower room accessible by multiple residents
7 at the same time must be designated for use exclusively for males or exclusively for
8 females.
- 9 2. In a dormitory or living facility controlled by an institution under the control of the state
10 board of higher education, a restroom or shower room designated for one sex may be
11 used only by members of that sex.
- 12 3. This section applies to a dormitory or a dormitory floor in which residents are
13 segregated by sex or gender.
- 14 4. ~~This section does not prohibit a~~A dormitory administrator or dormitory staff member
15 ~~from providing~~shall provide a reasonable accommodation for a resident, including a
16 transgender or gender-nonconforming resident, as deemed appropriate by the director
17 of residence life. This section does not prohibit a dormitory administrator or dormitory
18 staff member from entering a restroom or shower room designated for the opposite
19 sex in the course of official employment duties.