

Sixty-eighth
Legislative Assembly
of North Dakota

REENGROSSED 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 14-02.4 and a new section to
2 chapter 15.1-06 of the North Dakota Century Code, relating to preferred pronouns and providing
3 accommodations to a transgender student; to provide a 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 14-02.4 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Preferred pronoun - Government entity.**

8 1. Unless otherwise required by law, a government entity may not adopt a policy
9 requiring an employee to:

10 a. Use an individual's preferred pronoun when addressing or mentioning the
11 individual in work-related communications; or

12 b. Designate the employee's preferred pronoun in work-related communications.

13 2. An individual may assert a violation of this section as a claim or defense in a judicial
14 proceeding and is entitled to recover appropriate relief, including reasonable attorney
15 fees and court costs.

16 **SECTION 2.** A new section to chapter 15.1-06 of the North Dakota Century Code is created
17 and enacted as follows:

18 **Transgender student accommodations.**

19 1. A board of a school district, public school, or public school teacher may not adopt a
20 policy that requires or prohibits any individual from using a student's preferred gender
21 pronoun.

22 2. A board of a school district shall establish, ~~in consultation~~ with the approval of the
23 parent or legal guardian, a ~~policy~~ plan for the use of a separate restroom
24 accommodation for a transgender student.

1 3. A board of a school district or a public school shall prohibit a student from using a
2 restroom that does not coincide with the student's biological sex.

3 4. Unless otherwise required by law, a school district, public school, or public school
4 teacher may not:

5 a. Adopt a policy concerning a particular student's transgender status without
6 approval from the student's parent or legal guardian; or

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

9 ~~4. Notwithstanding any other provision of law, a violation of this section subjects the~~
10 ~~board of a school district or a school to a civil cause of action by an individual or a~~
11 ~~parent or legal guardian of a student who has suffered damages because of the~~
12 ~~violation.~~

13 ~~5. Notwithstanding section 32-03.2-11, a court shall award the following remedies to a~~
14 ~~plaintiff that prevails in an action under subsection 4:~~

15 ~~a. Damages;~~

16 ~~b. Costs and fees, including reasonable attorney fees; and~~

17 ~~c. Exemplary damages in an amount up to twenty-five thousand dollars.~~

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