

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 administrator or correctional facility staff member
17 from providing a reasonable accommodation for an inmate, including a transgender or
18 gender-nonconforming inmate.

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

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

- 22 1. At the North Dakota youth correctional center, a restroom or shower room accessible
23 by multiple inmates at the same time must be designated for use exclusively for males
24 or exclusively for females.

1 2. At the North Dakota youth correctional center, a restroom or shower room designated
2 for one sex may be used only by members of that sex.

3 3. This section does not prohibit the administrator, an officer, or an employee from
4 providing a reasonable accommodation for a child placed at the North Dakota youth
5 correctional center, including a transgender or gender-nonconforming child.

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

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

9 1. At the penitentiary, a restroom or shower room accessible by multiple inmates at the
10 same time must be designated for use exclusively for males or exclusively for females.

11 2. At the penitentiary, a restroom or shower room designated for one sex may be used
12 only by members of that sex.

13 3. This section does not prohibit the warden, a deputy warden, an officer, or an agent
14 from providing a reasonable accommodation for an inmate, including a transgender or
15 gender-nonconforming inmate.

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

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

19 1. At a domestic violence sexual assault organization facility, a restroom or shower room
20 accessible by multiple clients at the same time must be designated for use exclusively
21 for males or exclusively for females.

22 2. At a domestic violence sexual assault organization facility, a restroom or shower room
23 designated for one sex may be used only by members of that sex.

24 3. This section does not prohibit an agent, employee, or volunteer from providing a
25 reasonable accommodation for a client, including a transgender or gender-
26 nonconforming client.

27 **SECTION 5.** A new section to chapter 15-10 of the North Dakota Century Code is created
28 and enacted as follows:

29 **Restrooms and shower rooms exclusively for males or exclusively for females under**
30 **the age of eighteen.**

- 1 1. In a dormitory or living facility controlled by an institution under the control of the state
2 board of higher education, a restroom or shower room accessible by multiple residents
3 at the same time must be designated for use exclusively for males or exclusively for
4 females.
- 5 2. 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 designated for one sex may be
7 used only by members of that sex.
- 8 3. This section applies to a dormitory or a dormitory floor in which residents are
9 segregated by sex or gender.
- 10 4. This section does not prohibit a dormitory administrator or dormitory staff member
11 from providing a reasonable accommodation for a resident, including a transgender or
12 gender-nonconforming resident.