

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 26

By: Pemberton and Bullard of
the Senate

3

and

4

Hays of the House

5

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7 An Act relating to schools; amending Section 1,
8 Chapter 323, O.S.L. 2022 (70 O.S. Supp. 2022, Section
9 1-125), which relates to restroom or changing area
use; providing certain exception; providing an
effective date; and declaring an emergency.

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11 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
and insert:

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13 "An Act relating to schools; amending Section 1,
14 Chapter 323, O.S.L. 2022 (70 O.S. Supp. 2022, Section
15 1-125), which relates to restroom or changing area
16 use; adding definitions; providing exception for
certain athletic activities; providing remedies for
certain noncompliance; providing an effective date;
and declaring an emergency.

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18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY Section 1, Chapter 323, O.S.L.

20 2022 (70 O.S. Supp. 2022, Section 1-125), is amended to read as

21 follows:

22 Section 1-125. A. As used in this section:

23

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1 1. "Sex" means the physical condition of being male or female
2 based on genetics and physiology, as identified on the individual's
3 original birth certificate; ~~and~~

4 2. "Multiple occupancy restroom or changing area" means an area
5 in a public school or public charter school building designed or
6 designated to be used by more than one individual at a time, where
7 individuals may be in various stages of undress in the presence of
8 other individuals. The term may include but is not limited to a
9 school restroom, locker room, changing room, or shower room;

10 3. "Coach" means a person employed by a public school district
11 or public charter school who is involved in the teaching or training
12 of students participating in a school-sponsored athletic activity;
13 and

14 4. "School-sponsored athletic activity" means a sporting event
15 that is supported and affiliated with the school such as games,
16 matches, and tournaments.

17 B. To ensure privacy and safety, each public school and public
18 charter school that serves students in prekindergarten through
19 twelfth grades in this state shall require every multiple occupancy
20 restroom or changing area designated as follows:

- 21 1. For the exclusive use of the male sex; or
- 22 2. For the exclusive use of the female sex.

23 C. Each public school or public charter school in this state
24 shall provide a reasonable accommodation to any individual who does

1 not wish to comply with the provisions of subsection B of this
2 section. A reasonable accommodation shall be access to a single-
3 occupancy restroom or changing room.

4 D. The provisions of this section shall not apply to
5 individuals entering a multiple occupancy restroom or changing area
6 designated for use by the opposite sex when entering in any of the
7 following ~~circumstance~~ circumstances:

8 1. For custodial, maintenance, or inspection purposes; ~~or~~

9 2. To render emergency medical assistance; or

10 3. If a suitable meeting room or area is not available, a coach
11 may enter a locker room before, during, or after a school-sponsored
12 athletic activity, provided:

13 a. all students present are fully clothed,

14 b. the coach shall be accompanied by at least one
15 additional adult at all times, and

16 c. if the coach is the opposite sex of the students
17 present, the coach shall be accompanied by at least
18 one adult of the same sex as the students present.

19 The adult shall not be a current high school student.

20 E. 1. Each school district board of education and public
21 charter school governing board shall adopt a policy to provide
22 disciplinary action for individuals who refuse to comply with the
23 provisions of this section.

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1 2. No school district board of education or charter school
2 governing board shall adopt a policy contrary to the provisions of
3 this section.

4 F. Upon a finding of noncompliance with the provisions of
5 subsections B, and C, and D of this section by the State Board of
6 Education, the noncompliant school district or public charter school
7 shall receive a five percent (5%) decrease in state funding for the
8 school district or public charter school for the fiscal year
9 following the year of noncompliance.

10 G. A parent or legal guardian of a student enrolled in and
11 physically attending a public school district or public charter
12 school shall have a cause of action against the public school
13 district or public charter school for noncompliance with the
14 provisions of subsections B, and C, and D of this section.

15 H. The State Board of Education shall promulgate rules to
16 implement the provisions of this section.

17 SECTION 2. This act shall become effective July 1, 2023.

18 SECTION 3. It being immediately necessary for the preservation
19 of the public peace, health, or safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval."
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Passed the House of Representatives the 27th day of April, 2023.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2023.

Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 26

By: Pemberton and Bullard of
the Senate

3 and

4 Hays of the House

5
6 An Act relating to schools; amending Section 1,
7 Chapter 323, O.S.L. 2022 (70 O.S. Supp. 2022, Section
8 1-125), which relates to restroom or changing area
9 use; providing certain exception; providing an
effective date; and declaring an emergency.

10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 4. AMENDATORY Section 1, Chapter 323, O.S.L.
12 2022 (70 O.S. Supp. 2022, Section 1-125), is amended to read as
13 follows:

14 Section 1-125. A. As used in this section:

15 1. "Sex" means the physical condition of being male or female
16 based on genetics and physiology, as identified on the individual's
17 original birth certificate; and

18 2. "Multiple occupancy restroom or changing area" means an area
19 in a public school or public charter school building designed or
20 designated to be used by more than one individual at a time, where
21 individuals may be in various stages of undress in the presence of
22 other individuals. The term may include but is not limited to a
23 school restroom, locker room, changing room, or shower room.

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1 B. To ensure privacy and safety, each public school and public
2 charter school that serves students in prekindergarten through
3 twelfth grades in this state shall require every multiple occupancy
4 restroom or changing area designated as follows:

- 5 1. For the exclusive use of the male sex; or
- 6 2. For the exclusive use of the female sex.

7 C. Each public school or public charter school in this state
8 shall provide a reasonable accommodation to any individual who does
9 not wish to comply with the provisions of subsection B of this
10 section. A reasonable accommodation shall be access to a single-
11 occupancy restroom or changing room.

12 D. The provisions of this section shall not apply to
13 individuals entering a multiple occupancy restroom or changing area
14 designated for use by the opposite sex when entering in any of the
15 following ~~circumstance~~ circumstances:

- 16 1. For custodial, maintenance, or inspection purposes; ~~or~~
- 17 2. To render emergency medical assistance; or
- 18 3. When a coach enters a locker room before, during, or after
19 an athletic activity and all students present are fully clothed. If
20 the coach is the opposite sex of the students present, the coach
21 shall be accompanied by an adult of the same sex as the students
22 present.

23 E. 1. Each school district board of education and public
24 charter school governing board shall adopt a policy to provide

1 disciplinary action for individuals who refuse to comply with the
2 provisions of this section.

3 2. No school district board of education or charter school
4 governing board shall adopt a policy contrary to the provisions of
5 this section.

6 F. Upon a finding of noncompliance with the provisions of
7 subsections B and C of this section by the State Board of Education,
8 the noncompliant school district or public charter school shall
9 receive a five percent (5%) decrease in state funding for the school
10 district or public charter school for the fiscal year following the
11 year of noncompliance.

12 G. A parent or legal guardian of a student enrolled in and
13 physically attending a public school district or public charter
14 school shall have a cause of action against the public school
15 district or public charter school for noncompliance with the
16 provisions of subsections B and C of this section.

17 H. The State Board of Education shall promulgate rules to
18 implement the provisions of this section.

19 SECTION 5. This act shall become effective July 1, 2023.

20 SECTION 6. It being immediately necessary for the preservation
21 of the public peace, health, or safety, an emergency is hereby
22 declared to exist, by reason whereof this act shall take effect and
23 be in full force from and after its passage and approval.

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1 Passed the Senate the 7th day of March, 2023.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2023.

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8 _____
9 Presiding Officer of the House
10 of Representatives