

**FIRST ENGROSSMENT
with Senate Amendments
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, and a new section to chapter 15-10 of the North Dakota
3 Century Code, relating to the use of restrooms, locker rooms, and shower rooms in a dormitory
4 or living facility controlled by the state board of higher education, a correctional facility, the North
5 Dakota youth correctional center, and the penitentiary exclusively for males and females.

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

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

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

- 10 1. In a correctional facility, a restroom or shower room accessible by multiple inmates at
11 the same time must be designated for use exclusively for males or exclusively for
12 females.
- 13 2. In a correctional facility, a restroom or shower room designated for one sex may be
14 used only by members of that sex.
- 15 3. An administrator or correctional facility staff member shall provide a reasonable
16 accommodation for an inmate, including a transgender or gender-nonconforming
17 inmate, as deemed appropriate by the administrator.

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

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

- 21 1. At the North Dakota youth correctional center, a restroom or shower room accessible
22 by multiple inmates at the same time must be designated for use exclusively for males
23 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. An administrator, an officer, or an employee shall provide a reasonable
4 accommodation for a child placed at the North Dakota youth correctional center,
5 including a transgender or gender-nonconforming child, as deemed appropriate by the
6 administrator.

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

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

- 10 1. At the penitentiary, a restroom or shower room accessible by multiple inmates at the
11 same time must be designated for use exclusively for males or exclusively for females.
- 12 2. At the penitentiary, a restroom or shower room designated for one sex may be used
13 only by members of that sex.
- 14 3. The warden, a deputy warden, an officer, or an agent shall provide a reasonable
15 accommodation for an inmate, including a transgender or gender-nonconforming
16 inmate, as deemed appropriate by the warden.

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

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

- 20 1. In a dormitory or living facility controlled by an institution under the control of the state
21 board of higher education, a restroom or shower room accessible by multiple residents
22 at the same time must be designated for use exclusively for males or exclusively for
23 females.
- 24 2. In a dormitory or living facility controlled by an institution under the control of the state
25 board of higher education, a restroom or shower room designated for one sex may be
26 used only by members of that sex.
- 27 3. This section applies to a dormitory or a dormitory floor in which residents are
28 segregated by sex or gender.
- 29 4. A dormitory administrator or dormitory staff member shall provide a reasonable
30 accommodation for a resident, including a transgender or gender-nonconforming
31 resident, as deemed appropriate by the director of residence life. This section does not

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- 1 prohibit a dormitory administrator or dormitory staff member from entering a restroom
- 2 or shower room designated for the opposite sex in the course of official employment
- 3 duties.