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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. In a correctional facility, a restroom or shower room accessible by multiple inmates at the same time must be designated for use exclusively for males or exclusively for females.

2. In a correctional facility, a restroom or shower room designated for one sex may be used only by members of that sex.

3. This section does not prohibit an administrator or correctional facility staff member from providing a reasonable accommodation for an inmate, including a transgender or gender-nonconforming inmate.

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

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

1. At the North Dakota youth correctional center, a restroom or shower room accessible by multiple inmates at the same time must be designated for use exclusively for males or exclusively for females.
2. At the North Dakota youth correctional center, a restroom or shower room designated for one sex may be used only by members of that sex.

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

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

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

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

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

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

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

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

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

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

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

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

Restrooms and shower rooms exclusively for males or exclusively for females under the age of eighteen.
1. In a dormitory or living facility controlled by an institution under the control of the state board of higher education, a restroom or shower room accessible by multiple residents at the same time must be designated for use exclusively for males or exclusively for females.

2. In a dormitory or living facility controlled by an institution under the control of the state board of higher education, a restroom or shower room designated for one sex may be used only by members of that sex.

3. This section applies to a dormitory or a dormitory floor in which residents are segregated by sex or gender.

4. This section does not prohibit a dormitory administrator or dormitory staff member from providing a reasonable accommodation for a resident, including a transgender or gender-nonconforming resident.