

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1473

(Representatives S. Olson, Bellew, Henderson, Hoverson, Prichard, Steiner, VanWinkle)
(Senator Paulson)

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, 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, 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. An administrator or correctional facility staff member shall provide a reasonable accommodation for an inmate, including a transgender or gender-nonconforming inmate, as deemed appropriate by the administrator.

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. An administrator, an officer, or an employee shall provide a reasonable accommodation for a child placed at the North Dakota youth correctional center, including a transgender or gender-nonconforming child, as deemed appropriate by the administrator.

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. The warden, a deputy warden, an officer, or an agent shall provide a reasonable accommodation for an inmate, including a transgender or gender-nonconforming inmate, as deemed appropriate by the warden.

SECTION 4. 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.

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. A dormitory administrator or dormitory staff member shall provide a reasonable accommodation for a resident, including a transgender or gender-nonconforming resident, as deemed appropriate by the director of residence life. This section does not prohibit a dormitory administrator or dormitory staff member from entering a restroom or shower room designated for the opposite sex in the course of official employment duties.

Dennis E. John
Speaker of the House

Tammy Miller
President of the Senate

Buell T. Reich
Chief Clerk of the House

Shanda Mogen
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1473.

House Vote: Yeas 78 Nays 14 Absent 2

Senate Vote: Yeas 42 Nays 5 Absent 0

Buell T. Reich
Chief Clerk of the House

Received by the Governor at 10:30 AM on April 25, 2023.

Approved at 6:25 PM on April 25, 2023.

Doug Burdick
Governor

Filed in this office this 26 day of April, 2023,
at 9:26 o'clock A M.

Michael Howe
Secretary of State