Sixty-eighth Legislative Assembly of North Dakota

Introduced by

Representatives Dyk, Christensen, Timmons, VanWinkle

Senators Beard, Weston

A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota Century Code, relating to providing accommodations to a transgender student; to provide a penalty; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Transgender student accommodations - Prohibited - Exception - Private right of action.

1. As used in this section, "sex" means the biological state of being male and female, based on the individual's nonambiguous sex organs, chromosomes, and endogenous hormone profiles at birth.

2. Except as provided in subsection 3, a board of a school district, a public or private school, or a teacher in a public or private school may not:
   a. Adopt a policy establishing a place, facility, school program, or accommodation that caters to a student's perceived or expressed gender, including a preferred gender pronoun, if the perceived or expressed gender is inconsistent with the student's sex;
   b. Provide a place, facility, school program, or accommodation catering to a student's perceived or expressed gender, including a preferred gender pronoun, if the perceived or expressed gender is inconsistent with the student's sex; or
   c. Adopt a policy establishing or providing a place, facility, school program, or accommodation that caters to a student's perception of being any animal species other than human.
Sixty-eighth
Legislative Assembly

3. A board of a school district, a public or private school, or a teacher in a public or private school may establish or provide a unisex restroom accommodation for a student, only if:
   a. The student had gender-affirming surgery before the effective date of this Act;
   and
   b. The board, school, or teacher obtains written consent from the student's parent or legal guardian to establish or provide the unisex restroom accommodation.

4. Notwithstanding any other provision of law, a violation of this section subjects a private school or the board of the school district that governs the school at which the violation occurred to a civil cause of action by a parent or legal guardian of a student who attends the school at which the violation occurred and has suffered damages because of the violation.

5. Notwithstanding section 32-03.2-11, a court shall award the following remedies to a plaintiff that prevails in an action under subsection 4:
   a. Damages;
   b. Costs and fees, including reasonable attorney fees; and
   c. Exemplary damages in an amount up to five hundred thousand dollars.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.