

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1619

By: Bingman of the Senate

4 and

5 Hickman of the House

6  
7  
8 AS INTRODUCED

9 An Act relating to schools; providing definition;  
10 authorizing certain persons to request religious  
accommodations under certain circumstances; directing  
11 a board of education to respond to certain request;  
prohibiting use of certain facility for compliance;  
12 providing for private right of action for certain  
violation; authorizing the Attorney General to  
represent certain persons under certain  
13 circumstances; requiring certain notice; providing  
for codification; providing an effective date; and  
14 declaring an emergency.

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

18 SECTION 1. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 10-110 of Title 70, unless there  
20 is created a duplication in numbering, reads as follows:

21 A. As used in this section, "sex" means the physical condition  
22 of being male or female, as identified at birth by that individual's  
23 anatomy.

24 B. If a school district allows:

1           1. Student restrooms, athletic changing facilities or showers  
2 designated for the exclusive use of the male sex to be accessed by  
3 members of the female sex; and/or

4           2. Student restrooms, athletic changing facilities or showers  
5 designated for the exclusive use of the female sex to be accessed by  
6 members of the male sex,

7           a student enrolled in the school district or the parent or legal  
8 guardian of a student enrolled in the school district may request a  
9 religious accommodation as described in subsection C of this  
10 section.

11           C. A student enrolled at a public school district in the state  
12 or the parent or legal guardian of a student enrolled at a public  
13 school district in the state may submit to the board of education of  
14 the school district a request for a religious accommodation based on  
15 the student's sincerely held religious beliefs. The accommodation  
16 shall be for the use of restrooms, athletic changing facilities or  
17 showers designated for the exclusive use of that student's sex  
18 granted to:

19           1. Any male student who requests or whose parent or legal  
20 guardian requests, on a student's behalf, to use a restroom,  
21 athletic changing facility or shower designated for the exclusive  
22 use of the male sex; or

23           2. Any female student who requests or whose parent or legal  
24 guardian requests, on the student's behalf, to use a restroom,

1 athletic changing facility or showers designated for the exclusive  
2 use of the female sex.

3 D. Providing access to a single-occupancy restroom, athletic  
4 changing facility or showers to a student who has submitted a  
5 request for a religious accommodation or to a student whose parent  
6 or legal guardian has submitted a request for a religious  
7 accommodation pursuant to subsection C of this section shall not be  
8 an allowable accommodation.

9 E. This act creates a private right of action for violations of  
10 subsection C of this section.

11 F. The Attorney General of the State of Oklahoma is hereby  
12 authorized to represent a school district or employee in a legal  
13 challenge to any federal regulation or mandate that requires the  
14 school district to implement a policy as stated in paragraph 1 of  
15 subsection B of this section and/or paragraph 2 of subsection B of  
16 this section.

17 G. The Attorney General is further authorized to intervene in  
18 any legal proceeding for the purpose of enforcing the provisions of  
19 this act. Any court addressing a suit arising out of this section  
20 shall, within five (5) days of receiving service of summons, notify  
21 the Attorney General of the State of Oklahoma of the pendency of the  
22 action.

23 SECTION 2. This act shall become effective July 1, 2016.  
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1 SECTION 3. It being immediately necessary for the preservation  
2 of the public peace, health and safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

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