

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

848X0115

## HOUSE ENGROSSED NO. **HB 1008** - 01/27/2016

Introduced by: Representatives Deutsch, Craig, Novstrup (Al), Partridge, Russell, Schoenbeck, Verchio, and Zikmund and Senators Greenfield (Brock), Haverly, Holien, Olson, and Otten (Ernie)

1 FOR AN ACT ENTITLED, An Act to restrict access to certain restrooms and locker rooms in  
2 public schools.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 13-24 be amended by adding a NEW SECTION to read:

5 The term, biological sex, as used in this Act, means the physical condition of being male or  
6 female as determined by a person's chromosomes and anatomy as identified at birth.

7 Section 2. That the code be amended by adding a NEW SECTION to read:

8 Every restroom, locker room, and shower room located in a public elementary or secondary  
9 school that is designated for student use and is accessible by multiple students at the same time  
10 shall be designated for and used only by students of the same biological sex. In addition, any  
11 public school student participating in a school sponsored activity off school premises which  
12 includes being in a state of undress in the presence of other students shall use those rooms  
13 designated for and used only by students of the same biological sex.

14 Section 3. That the code be amended by adding a NEW SECTION to read:



1        If any student asserts that the student's gender is different from the student's biological sex,  
2        and if the student's parent or guardian consents to that assertion in writing to a public school  
3        administrator, or if the student is an adult or an emancipated minor and makes the assertion in  
4        writing to a public school administrator, the student shall be provided with a reasonable  
5        accommodation. A reasonable accommodation is one that does not impose an undue hardship  
6        on a school district. A reasonable accommodation may not include the use of student restrooms,  
7        locker rooms, or shower rooms designated for use by students of the opposite biological sex if  
8        students of the opposite biological sex are present or could be present. A reasonable  
9        accommodation may include a single-occupancy restroom, a unisex restroom, or the controlled  
10       use of a restroom, locker room, or shower room that is designated for use by faculty. The  
11       requirement to provide a reasonable accommodation pursuant to this section does not apply to  
12       any nonpublic school entity.