

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB26 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Kevin West

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

FLOOR SUBSTITUTE
FOR ENGROSSED

SENATE BILL NO. 26

By: Pemberton and Bullard of
the Senate

and

Hays of the House

FLOOR SUBSTITUTE

An Act relating to schools; amending Section 1,
Chapter 323, O.S.L. 2022 (70 O.S. Supp. 2022, Section
1-125), which relates to restroom or changing area
use; adding definitions; providing exception for
certain athletic activities; providing remedies for
certain noncompliance; providing an effective date;
and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 323, O.S.L.
2022 (70 O.S. Supp. 2022, Section 1-125), is amended to read as
follows:

Section 1-125. A. As used in this section:

1. "Sex" means the physical condition of being male or female
based on genetics and physiology, as identified on the individual's
original birth certificate; ~~and~~

1 2. "Multiple occupancy restroom or changing area" means an area
2 in a public school or public charter school building designed or
3 designated to be used by more than one individual at a time, where
4 individuals may be in various stages of undress in the presence of
5 other individuals. The term may include but is not limited to a
6 school restroom, locker room, changing room, or shower room;

7 3. "Coach" means a person employed by a public school district
8 or public charter school who is involved in the teaching or training
9 of students participating in a school-sponsored athletic activity;
10 and

11 4. "School-sponsored athletic activity" means a sporting event
12 that is supported and affiliated with the school such as games,
13 matches, and tournaments.

14 B. To ensure privacy and safety, each public school and public
15 charter school that serves students in prekindergarten through
16 twelfth grades in this state shall require every multiple occupancy
17 restroom or changing area designated as follows:

- 18 1. For the exclusive use of the male sex; or
- 19 2. For the exclusive use of the female sex.

20 C. Each public school or public charter school in this state
21 shall provide a reasonable accommodation to any individual who does
22 not wish to comply with the provisions of subsection B of this
23 section. A reasonable accommodation shall be access to a single-
24 occupancy restroom or changing room.

1 D. The provisions of this section shall not apply to
2 individuals entering a multiple occupancy restroom or changing area
3 designated for use by the opposite sex when entering in any of the
4 following ~~circumstance~~ circumstances:

- 5 1. For custodial, maintenance, or inspection purposes; ~~or~~
- 6 2. To render emergency medical assistance; or
- 7 3. If a suitable meeting room or area is not available, a coach
8 may enter a locker room before, during, or after a school-sponsored
9 athletic activity, provided:

- 10 a. all students present are fully clothed,
- 11 b. the coach shall be accompanied by at least one
12 additional adult at all times, and
- 13 c. if the coach is the opposite sex of the students
14 present, the coach shall be accompanied by at least
15 one adult of the same sex as the students present.

16 The adult shall not be a current high school student.

17 E. 1. Each school district board of education and public
18 charter school governing board shall adopt a policy to provide
19 disciplinary action for individuals who refuse to comply with the
20 provisions of this section.

21 2. No school district board of education or charter school
22 governing board shall adopt a policy contrary to the provisions of
23 this section.
24

1 F. Upon a finding of noncompliance with the provisions of
2 subsections B, ~~and C~~, and D of this section by the State Board of
3 Education, the noncompliant school district or public charter school
4 shall receive a five percent (5%) decrease in state funding for the
5 school district or public charter school for the fiscal year
6 following the year of noncompliance.

7 G. A parent or legal guardian of a student enrolled in and
8 physically attending a public school district or public charter
9 school shall have a cause of action against the public school
10 district or public charter school for noncompliance with the
11 provisions of subsections B, ~~and C~~, and D of this section.

12 H. The State Board of Education shall promulgate rules to
13 implement the provisions of this section.

14 SECTION 2. This act shall become effective July 1, 2023.

15 SECTION 3. It being immediately necessary for the preservation
16 of the public peace, health, or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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20 59-1-8235 EK 04/21/23
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