

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 ENGROSSED SENATE
5 BILL NO. 26

By: Pemberton and Bullard of
the Senate

6 and

7 Hays of the House

8
9
10 An Act relating to schools; amending Section 1,
11 Chapter 323, O.S.L. 2022 (70 O.S. Supp. 2022, Section
12 1-125), which relates to restroom or changing area
 use; providing certain exception; providing an
 effective date; and declaring an emergency.

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

16 SECTION 1. AMENDATORY Section 1, Chapter 323, O.S.L.
17 2022 (70 O.S. Supp. 2022, Section 1-125), is amended to read as
18 follows:

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

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

23 2. "Multiple occupancy restroom or changing area" means an area
24 in a public school or public charter school building designed or

1 designated to be used by more than one individual at a time, where
2 individuals may be in various stages of undress in the presence of
3 other individuals. The term may include but is not limited to a
4 school restroom, locker room, changing room, or shower room.

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

- 9 1. For the exclusive use of the male sex; or
- 10 2. For the exclusive use of the female sex.

11 C. Each public school or public charter school in this state
12 shall provide a reasonable accommodation to any individual who does
13 not wish to comply with the provisions of subsection B of this
14 section. A reasonable accommodation shall be access to a single-
15 occupancy restroom or changing room.

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

- 20 1. For custodial, maintenance, or inspection purposes; ~~or~~
- 21 2. To render emergency medical assistance; or
- 22 3. When a coach enters a locker room before, during, or after
23 an athletic activity and all students present are fully clothed. If
24 the coach is the opposite sex of the students present, the coach

1 shall be accompanied by an adult of the same sex as the students
2 present.

3 E. 1. Each school district board of education and public
4 charter school governing board shall adopt a policy to provide
5 disciplinary action for individuals who refuse to comply with the
6 provisions of this section.

7 2. No school district board of education or charter school
8 governing board shall adopt a policy contrary to the provisions of
9 this section.

10 F. Upon a finding of noncompliance with the provisions of
11 subsections B and C of this section by the State Board of Education,
12 the noncompliant school district or public charter school shall
13 receive a five percent (5%) decrease in state funding for the school
14 district or public charter school for the fiscal year following the
15 year of noncompliance.

16 G. A parent or legal guardian of a student enrolled in and
17 physically attending a public school district or public charter
18 school shall have a cause of action against the public school
19 district or public charter school for noncompliance with the
20 provisions of subsections B and C of this section.

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

23 SECTION 2. This act shall become effective July 1, 2023.
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1 SECTION 3. It being immediately necessary for the preservation
2 of the public peace, health, or 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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6 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 04/04/2023
7 - DO PASS.

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