



2025 South Dakota Legislature

House Bill 1259

Introduced by: **Representative** Schaeffbauer

1 **An Act to prohibit unauthorized access to certain multi-occupancy rooms and to**
2 **provide a penalty therefor.**

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

4 **Section 1. That a NEW SECTION be added to chapter 13-32:**

5 Terms used in sections 1 to 5, inclusive of this Act mean:

6 (1) "Female," an individual who, at the time of birth, belonged to the biological sex
7 that has the specific reproductive role of producing eggs;

8 (2) "Male," an individual who, at the time of birth, belonged to the biological sex that
9 has the specific reproductive role of producing sperm;

10 (3) "Reasonable accommodation," access to:

11 (a) A unisex or family room; or

12 (b) A changing room, rest room, or shower room, which has been designated
13 for employees of the district, provided the room is not available to the
14 employees while being used by the student; and

15 (4) "Unisex or family room," a changing room, restroom, or shower room that:

16 (a) Is intended for use by a single occupant, a single occupant and the
17 occupant's caregiver, or members of the same family;

18 (b) Is enclosed by means of floor-to-ceiling walls; and

19 (c) Is accessible by means of a full door, with a secure lock that prevents entry
20 by another individual while the room is in use.

21 **Section 2. That a NEW SECTION be added to chapter 13-32:**

22 The administrator of a public school shall designate any multi-occupancy student
23 changing room, restroom, or shower room, located in the school, for use exclusively by
24 females or for use exclusively by males.

If a public school student participates in a school or school district sponsored or sanctioned activity occurring at a location other than the school in which the student is enrolled, the school administrator or the administrator's designee must ensure that any multi-occupancy changing room, restroom, or shower room, located at the site of the activity and available to the student, is designated for use exclusively by females or for use exclusively by males.

If any student is unable or unwilling to use a multi-occupancy changing room, restroom, or shower room, in accordance with the designation set forth in this section, and the student, or the student's parent in the case of a student under the age of eighteen, files a written notice with the administrator of the school, the administrator must grant a request for a reasonable accommodation.

A reasonable accommodation granted under this section must be for a stated period of time and may not exceed the conclusion of the school year.

Section 3. That a NEW SECTION be added to chapter 13-32:

A student who does not meet the definition of a female may not enter a changing room, restroom, or shower room designated exclusively for females.

A student who does not meet the definition of a male may not enter a changing room, restroom, or shower room designated exclusively for males.

The prohibitions set forth in this section do not apply to:

(1) The accommodation of students protected under the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, et seq. (January 1, 2025) or the Rehabilitation Act of 1973, 29 U.S.C. § 701, et seq. (January 1, 2025);

(2) An individual who accompanies a student requiring assistance because of age;

(3) A law enforcement officer, fire official, or employee of the district, acting in an official capacity;

(4) An individual providing emergency medical assistance;

(5) An individual providing custodial, maintenance, or inspection services, provided the changing room, restroom, or shower room is unoccupied; or

(6) A student who was born with a medically verifiable genetic disorder of sexual development, which resulted in:

(a) External biological characteristics that are unresolvably ambiguous; or

(b) An abnormal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or a female, as applicable.

Section 4. That a NEW SECTION be added to chapter 13-32:

Any changing room, restroom, or shower room that is located in a public school and normally reserved for use by employees of the district is governed by the provisions of sections 6 to 9, inclusive, of this Act.

Section 5. That a NEW SECTION be added to chapter 13-32:

If a school district sponsors or sanctions any event that requires students to be provided with overnight sleeping accommodations, the school administrator must designate each multi-occupancy room used for such purpose as being for use exclusively by females or exclusively by males, and must assign students accordingly.

If a student is unable or unwilling to use a multi-occupancy room for overnight sleeping accommodations, in accordance with the exclusive designation set forth in this section, that student, or the student's parent in the case of a student under the age of eighteen, may file, with the school administrator, a request to be reassigned to a single-occupancy room.

Nothing in this section precludes the use of a room for overnight accommodations by members of the same immediate family.

Section 6. That a NEW SECTION be added to chapter 20-13:

Terms used in sections 6 to 9, inclusive, of this Act mean:

(1) "Female," an individual who, at the time of birth, belonged to the biological sex that has the specific reproductive role of producing eggs;

(2) "Male," an individual who, at the time of birth, belonged to the biological sex that has the specific reproductive role of producing sperm; and

(3) "Unisex or family room," a changing room, restroom, or shower room that:

(a) Is intended for use by a single occupant, a single occupant and the occupant's caregiver, or members of the same family;

(b) Is enclosed by means of floor-to-ceiling walls; and

(c) Is accessible by means of a full door, with a secure lock that prevents entry by another individual while the room is in use.

Section 7. That a NEW SECTION be added to chapter 20-13:

1 Except as otherwise provided in sections 1 to 3, inclusive, of this Act, any changing
2 room, restroom, or shower room in a building or facility owned or leased by the state or
3 by a political subdivision of this state must:

4 (1) Be designated for the exclusive use of:

5 (a) Females; or

6 (b) Males; or

7 (2) Be designated as a unisex or family room.

8 **Section 8. That a NEW SECTION be added to chapter 20-13:**

9 Except as otherwise provided in section 9 of this Act, an individual who does not
10 meet the definition of a female may not enter a changing room, restroom, or shower room
11 designated exclusively for females.

12 Except as otherwise provided in section 9 of this Act, an individual who does not
13 meet the definition of a male may not enter a changing room, restroom, or shower room
14 designated exclusively for males.

15 An individual is guilty of a Class 2 misdemeanor if the individual:

16 (1) Knowingly enters a changing room, restroom, or shower room, in violation of this
17 section; and

18 (2) Refuses to leave the changing room, restroom, or shower room upon being
19 requested to do so by:

20 (a) An individual who, acting in an official capacity, is authorized to make the
21 request; or

22 (b) An individual who is permitted to be in the changing room, restroom, or
23 shower room, in accordance with sections 6 to 9, inclusive, of this Act.

24 **Section 9. That a NEW SECTION be added to chapter 20-13:**

25 The prohibitions set forth in section 8 of this Act do not apply to:

26 (1) An individual who accompanies a child under the age of ten, if the individual is the
27 child's parent or lawful chaperone;

28 (2) An individual who accompanies another individual requiring assistance because of
29 age or a disability;

30 (3) A law enforcement officer or fire official acting in an official capacity;

31 (4) An individual providing emergency medical assistance;

32 (5) An individual providing custodial, maintenance, or inspection services, provided the
33 changing room, restroom, or shower room is unoccupied; or

- 1 (6) An individual born with a medically verifiable genetic disorder of sexual
2 development, which resulted in:
3 (a) External biological characteristics that are unresolvably ambiguous; or
4 (b) An abnormal sex chromosome structure, sex steroid hormone production,
5 or sex steroid hormone action for a male or a female, as applicable.