



2026 South Dakota Legislature

House Bill 1161

Introduced by: **Representative Kull**

1 **An Act to amend provisions related to changing rooms, sleeping quarters, and**
 2 **restrooms.**

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

4 **Section 1. That § 20-13-58 be AMENDED:**

5 **20-13-58.** Terms used in §§ 20-13-58 to 20-13-63, inclusive, mean:

- 6 (1) "Changing room," a room or area in which an individual may be in a state of
 7 undress in the presence of others, including a multi-occupancy locker room or
 8 shower room, which is open to the public;
- 9 (2) "Female," an individual who naturally has, had, will have, or would have had, but
 10 for a congenital anomaly or intentional or unintentional disruption, the reproductive
 11 system that produces, transports, and utilizes eggs for fertilization;
- 12 (3) "Male," an individual who naturally has, had, will have, or would have had, but for
 13 a congenital anomaly or intentional or unintentional disruption, the reproductive
 14 system that produces, transports, and utilizes sperm for fertilization;
- 15 (4) "Restroom," a room that includes at least one toilet or urinal;
- 16 (5) "Sleeping quarters," a room that contains a bed and in which more than one
 17 individual is housed overnight;
- 18 (6) "Sex," an individual's biological sex, either male or female; and
- 19 (7) "Unisex or family room," a changing room or restroom that:
 - 20 (a) Is intended for use by a single occupant, a single occupant and the
 21 occupant's caregiver, or members of the same family;
 - 22 (b) Is enclosed by means of floor-to-ceiling walls; and
 - 23 (c) Is accessible by means of a full door, with a secure lock that prevents entry
 24 by another individual while the room is in use.

25 **Section 2. That § 20-13-59 be AMENDED:**

1 **20-13-59.** Except as otherwise provided in this section and §§ 13-32-22 and 13-
 2 32-23, the state or a political subdivision of this state must designate, as being for the
 3 exclusive use of females or males, any ~~multi-occupancy~~ changing room, multi-occupancy
 4 restroom, or sleeping quarters in:

- 5 (1) A building or facility owned by the state or by a political subdivision of this state;
 6 or
 7 (2) A space leased to or occupied by the state or by a political subdivision of this state.

8 This section does not apply to any room used exclusively by firefighters, law
 9 enforcement personnel, or musical and theatrical entertainers, or to any room used for a
 10 governmental regulatory purpose.

11 **Section 3. That § 20-13-61 be AMENDED:**

12 **20-13-61.** The prohibitions set forth in § 20-13-60 do not apply to:

- 13 (1) An individual who accompanies a child under the age of ten, if the individual is the
 14 child's parent or lawful chaperone;
 15 (2) An individual who accompanies another individual requiring assistance because of
 16 age or a disability;
 17 (3) A law enforcement officer, fire official, or other state or county employee acting in
 18 an official capacity;
 19 (4) An individual providing emergency medical assistance;
 20 (5) An individual providing custodial, maintenance, or inspection services, provided the
 21 changing room or restroom is unoccupied; ~~or~~
 22 (6) An individual providing services or rendering aid:
 23 (a) During a natural disaster or declared emergency; or
 24 (b) When necessary to maintain order and safety; ~~or~~

25 (7) Firefighters, individuals who are actively engaged in musical, theatrical, or similar
 26 performances, or law enforcement personnel, when using changing rooms, non-
 27 public restrooms, or sleeping quarters designated for their exclusive use.