

## 2026 South Dakota Legislature

**House Bill 1161****AMENDMENT 1161B  
FOR THE INTRODUCED BILL**

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 undress in~~  
7 ~~the presence of others, including a multi-occupancy locker room or shower room, which is~~  
8 ~~open to the public;~~

9 ~~(2) "Female," an individual who naturally has, had, will have, or would have had, but for a~~  
10 ~~congenital anomaly or intentional or unintentional disruption, the reproductive system that~~  
11 ~~produces, transports, and utilizes eggs for fertilization;~~

12 ~~(3) "Male," an individual who naturally has, had, will have, or would have had, but for a~~  
13 ~~congenital anomaly or intentional or unintentional disruption, the reproductive system that~~  
14 ~~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 individual is~~  
17 ~~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 occupant's caregiver,~~  
21 ~~or members of the same family;~~

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

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

4 **Section 1. That § 20-13-59 be AMENDED:**

5 **20-13-59.** Except as otherwise provided in this section and §§ 13-32-22 and 13-  
 6 32-23, the state or a political subdivision of this state must designate, as being for the  
 7 exclusive use of females or males, any **multi-occupancy** changing room, ~~multi-occupancy~~  
 8 restroom, or sleeping quarters in:

9 (1) A building or facility owned by the state or by a political subdivision of this state;  
 10 or

11 (2) A space leased to or occupied by the state or by a political subdivision of this state.  
 12 This section does not apply to any room used exclusively by firefighters, law  
 13 enforcement personnel, or musical and theatrical entertainers, or to any room used  
 14 entered for a governmental regulatory purpose or law enforcement personnel.

15 **Section 2. That § 20-13-61 be AMENDED:**

16 **20-13-61.** The prohibitions set forth in § 20-13-60 do not apply to:

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

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

21 (3) A law enforcement officer, fire official, or other ~~state or county~~ employee of the  
 22 state or a political subdivision who is acting in an official capacity;

23 (4) An individual providing emergency medical assistance;

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

26 (6) An individual providing services or rendering aid:

27 (a) During a natural disaster or declared emergency; or

28 (b) When necessary to maintain order and safety; ~~or~~

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