

## 2026 South Dakota Legislature

**House Bill 1161****AMENDMENT 1161C  
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 acting in an~~  
 15 ~~official capacity.~~

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

17 **20-13-61.** The prohibitions set forth in § 20-13-60 do not apply to:

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

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

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

24 (4) An individual providing emergency medical assistance;

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

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

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

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

30 ~~(7) Firefighters, individuals who are actively engaged in musical, theatrical, or~~  
 31 ~~similar performances, or law enforcement personnel, when using changing~~

1 ~~rooms, non-public restrooms, or sleeping quarters designated for their~~  
2 ~~exclusive use.~~

AMENDMENT