

AMENDMENTS TO LB878
(Amendments to AM2715)

Introduced by Kauth, 31.

1 1. Insert the following new sections:

2 **Sec. 2.** (1) For purposes of this section:

3 (a) Boy means an adolescent human male;

4 (b) Designate means to post signage or otherwise provide indication
5 at or near the entrance to the restroom or locker room that is readily
6 visible and states that the restroom or locker room is designated as one
7 of the following: For use by females, for use by males, single occupancy,
8 or for use by families;

9 (c) Female means an individual who naturally has, had, will have, or
10 would have, but for a congenital anomaly or intentional or unintentional
11 disruption, the reproductive system that at some point produces,
12 transports, and utilizes eggs for fertilization. Female includes a woman
13 and a girl;

14 (d) Girl means an adolescent human female;

15 (e) Male means an individual who naturally has, had, will have, or
16 would have, but for a congenital anomaly or intentional or unintentional
17 disruption, the reproductive system that at some point produces,
18 transports, and utilizes sperm for fertilization. Male includes a man and
19 a boy;

20 (f) Man means an adult human male;

21 (g) Public school means any public school offering instruction in
22 elementary or high school grades;

23 (h) Sex means an individual's sex, either male or female; and

24 (i) Woman means an adult human female.

25 (2)(a) Except as provided in subdivision (2)(b) of this section, the
26 governing body of a public school shall designate each group restroom

1 within each school building as one of the following: For use by females,
2 for use by males, single occupancy, or for use by families.

3 (b) Subdivision (2)(a) of this section shall not apply to any
4 restroom that is accessible to the public during the time the public
5 school is open to the public for an event.

6 (3)(a) Except as provided in subdivision (3)(b) of this section, the
7 governing body of a public school shall not:

8 (i) Allow a male to use a restroom designated pursuant to subsection
9 (2) of this section for use by females; or

10 (ii) Allow a female to use a restroom designated pursuant to
11 subsection (2) of this section for use by males.

12 (b) This subsection shall not apply to:

13 (i) An individual entering a restroom under the following
14 circumstances:

15 (A) Entrance for custodial, maintenance, or inspection purposes so
16 long as such individual takes reasonable steps to ensure that no
17 individual of the opposite sex is in a state of undress prior to entering
18 the restroom; or

19 (B) Entrance to render emergency assistance; or

20 (ii) A parent or caregiver bringing a minor child or an individual
21 with a disability that is of the opposite sex of such parent or caregiver
22 into a restroom designated for such parent's or caregiver's sex.

23 (4) The governing body of a public school shall designate each
24 locker room within each school building as one of the following: For use
25 by females, for use by males, or single occupancy.

26 (5)(a) Except as provided in subdivision (5)(b) of this section, the
27 governing body of a public school shall not:

28 (i) Allow a male to enter or use a locker room designated for and
29 being used at such time by one or more females; or

30 (ii) Allow a female to enter or use a locker room designated for and
31 being used at such time by one or more males.

1 (b) This subsection shall not apply to an individual entering a
2 locker room under the following circumstances:

3 (i) Entrance for custodial, maintenance, or inspection purposes so
4 long as such individual takes reasonable steps to ensure that no
5 individual of the opposite sex is in a state of undress prior to entering
6 the locker room;

7 (ii) Entrance to render emergency assistance; or

8 (iii) Entrance by a coach, athletic trainer, or other authorized
9 official or school employee so long as such individual takes reasonable
10 steps to ensure that no individual of the opposite sex is in a state of
11 undress prior to entering the locker room.

12 (6) An individual born with a diagnosis of a disorder or difference
13 in sex development shall have the relevant legal protections and
14 accommodations afforded under the federal Americans with Disabilities Act
15 of 1990, as amended.

16 (7)(a) The governing body of each public school shall adopt a policy
17 implementing this section. Such policy shall include provisions regarding
18 the conduct of visitors and the public.

19 (b) The governing body of a public school or any official or
20 employee of a public school shall not retaliate against any individual
21 for reporting in good faith a violation of this section or related rules,
22 regulations, or policies.

23 **Sec. 3. (1) For purposes of this section:**

24 (a) Boy means an adolescent human male;

25 (b) Designate means to post signage or otherwise provide indication
26 at or near the entrance to the restroom or locker room that is readily
27 visible and states that the restroom or locker room is designated as one
28 of the following: For use by females, for use by males, single occupancy,
29 or for use by families;

30 (c) Female means an individual who naturally has, had, will have, or
31 would have, but for a congenital anomaly or intentional or unintentional

1 disruption, the reproductive system that at some point produces,
2 transports, and utilizes eggs for fertilization. Female includes a woman
3 and a girl;

4 (d) Girl means an adolescent human female;

5 (e) Male means an individual who naturally has, had, will have, or
6 would have, but for a congenital anomaly or intentional or unintentional
7 disruption, the reproductive system that at some point produces,
8 transports, and utilizes sperm for fertilization. Male includes a man and
9 a boy;

10 (f) Man means an adult human male;

11 (g) Postsecondary educational institution means a university,
12 college, or community college located in Nebraska that is a member
13 institution of an accrediting body recognized by the United States
14 Department of Education;

15 (h) Sex means an individual's sex, either male or female; and

16 (i) Woman means an adult human female.

17 (2)(a) Except as provided in subdivision (2)(b) of this section, the
18 governing body of a public postsecondary educational institution shall
19 designate each group restroom within each school building as one of the
20 following: For use by females, for use by males, single occupancy, or for
21 use by families.

22 (b) Subdivision (2)(a) of this section shall not apply to any
23 restroom that is accessible to the public during the time the public
24 postsecondary educational institution is open to the public for an event.

25 (3)(a) Except as provided in subdivision (3)(b) of this section, the
26 governing body of a public postsecondary educational institution shall
27 not:

28 (i) Allow a male to use a restroom designated pursuant to subsection
29 (2) of this section for use by females; or

30 (ii) Allow a female to use a restroom designated pursuant to
31 subsection (2) of this section for use by males.

1 (b) This subsection shall not apply to:

2 (i) An individual entering a restroom under the following
3 circumstances:

4 (A) Entrance for custodial, maintenance, or inspection purposes so
5 long as such individual takes reasonable steps to ensure that no
6 individual of the opposite sex is in a state of undress prior to entering
7 the restroom; or

8 (B) Entrance to render emergency assistance; or

9 (ii) A parent or caregiver bringing a minor child or an individual
10 with a disability that is of the opposite sex of such parent or caregiver
11 into a restroom designated for such parent's or caregiver's sex.

12 (4) The governing body of a public postsecondary educational
13 institution shall designate each locker room within each school building
14 as one of the following: For use by females, for use by males, or single
15 occupancy.

16 (5)(a) Except as provided in subdivision (5)(b) of this section, the
17 governing body of a public postsecondary educational institution shall
18 not:

19 (i) Allow a male to enter or use a locker room designated for and
20 being used at such time by one or more females; or

21 (ii) Allow a female to enter or use a locker room designated for and
22 being used at such time by one or more males.

23 (b) This subsection shall not apply to an individual entering a
24 locker room under the following circumstances:

25 (i) Entrance for custodial, maintenance, or inspection purposes so
26 long as such individual takes reasonable steps to ensure that no
27 individual of the opposite sex is in a state of undress prior to entering
28 the locker room;

29 (ii) Entrance to render emergency assistance; or

30 (iii) Entrance by a coach, athletic trainer, or other authorized
31 official or school employee so long as such individual takes reasonable

1 steps to ensure that no individual of the opposite sex is in a state of
2 undress prior to entering the locker room.

3 (6) An individual born with a diagnosis of a disorder or difference
4 in sex development shall have the relevant legal protections and
5 accommodations afforded under the federal Americans with Disabilities Act
6 of 1990, as amended.

7 (7)(a) The governing body of each public postsecondary educational
8 institution shall adopt a policy implementing this section. Such policy
9 shall include provisions regarding the conduct of visitors and the
10 public.

11 (b) The governing body of a public postsecondary educational
12 institution or any official or employee of a public postsecondary
13 educational institution shall not retaliate against any individual for
14 reporting in good faith a violation of this section or related rules,
15 regulations, or policies.

16 **Sec. 4. (1) For purposes of this section:**

17 (a) Boy means an adolescent human male;

18 (b) Designate means to post signage or otherwise provide indication
19 at or near the entrance to the restroom or locker room that is readily
20 visible and states that the restroom or locker room is designated as one
21 of the following: For use by females, for use by males, single occupancy,
22 or for use by families;

23 (c) Female means an individual who naturally has, had, will have, or
24 would have, but for a congenital anomaly or intentional or unintentional
25 disruption, the reproductive system that at some point produces,
26 transports, and utilizes eggs for fertilization. Female includes a woman
27 and a girl;

28 (d) Girl means an adolescent human female;

29 (e) Male means an individual who naturally has, had, will have, or
30 would have, but for a congenital anomaly or intentional or unintentional
31 disruption, the reproductive system that at some point produces,

1 transports, and utilizes sperm for fertilization. Male includes a man and
2 a boy;

3 (f) Man means an adult human male;

4 (g) Sex means an individual's sex, either male or female;

5 (h) State agency means any department, agency, board, bureau, or
6 commission of the state or any other entity whose primary function is to
7 act as an instrumentality or agency of the state; and

8 (i) Woman means an adult human female.

9 (2) A state agency shall designate each group restroom that is not
10 accessible to the public within any facility owned by the state as one of
11 the following: For use by females, for use by males, single occupancy, or
12 for use by families.

13 (3)(a) Except as provided in subdivision (3)(b) of this section, a
14 state agency shall not:

15 (i) Allow a male to use a restroom designated pursuant to subsection
16 (2) of this section for use by females; or

17 (ii) Allow a female to use a restroom designated pursuant to
18 subsection (2) of this section for use by males.

19 (b) This subsection shall not apply to:

20 (i) An individual entering a restroom under the following
21 circumstances:

22 (A) Entrance for custodial, maintenance, or inspection purposes so
23 long as such individual takes reasonable steps to ensure that no
24 individual of the opposite sex is in a state of undress prior to entering
25 the restroom; or

26 (B) Entrance to render emergency assistance; or

27 (ii) A parent or caregiver bringing a minor child or an individual
28 with a disability that is of the opposite sex of such parent or caregiver
29 into a restroom designated for such parent's or caregiver's sex.

30 (4) A state agency shall designate each locker room within each
31 facility owned by the state as one of the following: For use by females,

1 for use by males, or single occupancy.

2 (5)(a) Except as provided in subdivision (5)(b) of this section, a
3 state agency shall not:

4 (i) Allow a male to enter or use a locker room designated for and
5 being used at such time by one or more females; or

6 (ii) Allow a female to enter or use a locker room designated for and
7 being used at such time by one or more males.

8 (b) This subsection shall not apply to an individual entering a
9 locker room under the following circumstances:

10 (i) Entrance for custodial, maintenance, or inspection purposes so
11 long as such individual takes reasonable steps to ensure that no
12 individual of the opposite sex is in a state of undress prior to entering
13 the locker room;

14 (ii) Entrance to render emergency assistance; or

15 (iii) Entrance by an authorized individual so long as such
16 individual takes reasonable steps to ensure that no individual of the
17 opposite sex is in a state of undress prior to entering the locker room.

18 (6) An individual born with a diagnosis of a disorder or difference
19 in sex development shall have the relevant legal protections and
20 accommodations afforded under the federal Americans with Disabilities Act
21 of 1990, as amended.

22 **Sec. 5.** Each state agency in the adoption and promulgation of
23 administrative rules and regulations, the enforcement of administrative
24 decisions, and the adjudication of disputes by administrative agencies
25 shall only define an individual's sex as either a male or female.