

# PROPOSED AMENDMENT

## SB 88 # 9

### DIGEST

Physical privacy in schools. Defines "female", "male", "gender", and "sex" for all Indiana statutes. Requires public schools, including charter schools, and state educational institutions to designate a multiple occupancy restroom or changing area as follows: (1) For the exclusive use of the male sex. (2) For the exclusive use of the female sex. Provides, with exceptions, that an individual shall only use a multiple occupancy restroom or changing area that is designated for the sex that is the individual's sex. Establishes a civil action for a violation of these provisions. Prohibits public schools, including charter schools, and state educational institutions from requiring a student to share sleeping quarters with a member of the opposite sex, unless the individual who is a member of the opposite sex is a family member. Establishes a civil action for a violation of these provisions. Provides that students enrolled at public schools, including charter schools, and state educational institutions shall not be subject to disciplinary action solely because the student declines to: (1) identify the student's pronouns; or (2) address an individual by using a name other than the individual's legal name or derivative of the individual's legal name by using a pronoun or a title that is not consistent with the individual's sex. Provides that employees and staff members of public schools, including charter schools, or state educational institutions shall not be subject to an adverse employment action solely because the employee or staff member declines to: (1) identify their pronouns; or (2) address an individual by using a name other than the individual's legal name or derivative of the individual's legal name by using a pronoun or a title that is not consistent with the individual's sex. Provides for a civil cause of action for a violation of these requirements.

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1       Page 1, between the enacting clause and line 1, begin a new  
2       paragraph and insert:  
3       "SECTION 1. IC 1-1-4-5, AS AMENDED BY P.L.238-2025,  
4       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5       JULY 1, 2026]: Sec. 5. (a) The following definitions apply to the  
6       construction of all Indiana statutes, unless the construction is plainly  
7       repugnant to the intent of the general assembly or of the context of the  
8       statute:  
9       (1) "Adult", "of full age", and "person in his majority" mean a  
10      person at least eighteen (18) years of age.  
11      (2) "Attorney" includes a counselor or other person authorized to  
12      appear and represent a party in an action or special proceeding.  
13      (3) "Autism" means a neurological condition as described in the  
14      most recent edition of the Diagnostic and Statistical Manual of  
15      Mental Disorders of the American Psychiatric Association.  
16      (4) "Bond" does not necessarily imply a seal.

(5) "Clerk" means the clerk of the court or a person authorized to perform the clerk's duties.

**(6) "Female", when referencing the human species, means an individual who naturally has, had, will have, or would have, but for a congenital anomaly, an intentional disruption, or an unintentional disruption, the reproductive system that at some point produces, transports, and utilizes eggs for fertilization.**

(7) "Gender" is a synonym for sex and has the meaning set forth in subdivision (25).

(6) (8) "Health record", "hospital record", or "medical record" means written or printed information possessed by a provider (as defined in IC 16-18-2-295) concerning any diagnosis, treatment, or prognosis of the patient, unless otherwise defined. Except as otherwise provided, the terms include mental health records and drug and alcohol abuse records.

16 (7) (9) "Highway" includes county bridges and state and county  
17 roads, unless otherwise expressly provided.

18 (8) (10) "Infant" or "minor" means a person less than eighteen  
19 (18) years of age.

(9) (11) "Inhabitant" may be construed to mean a resident in any place.

22           **(10) (12)** "Judgment" means all final orders, decrees, and  
23            determinations in an action and all orders upon which executions  
24            may issue.

25                    (11) (13) "Land", "real estate", and "real property" include lands,  
26                    tenements, and hereditaments.

(14) "Male", when referencing the human species, means an individual who naturally has, had, will have, or would have, but for a congenital anomaly, an intentional disruption, or an unintentional disruption, the reproductive system that at some point produces, transports, and utilizes sperm for fertilization.

32 (12) (15) "Mentally incompetent" means of unsound mind.

(13) (16) "Money demands on contract", when used in reference to an action, means an action arising out of contract when the relief demanded is a recovery of money.

36                    (14) (17) "Month" means a calendar month, unless otherwise  
37                    expressed.

(15) (18) "Noncode statute" means a statute that is not codified as part of the Indiana Code.

40 (16) (19) "Oath" includes "affirmation", and "to swear" includes

1 to "affirm".

2 (17) (20) "Person" extends to bodies politic and corporate.

3 (18) (21) "Personal property" includes goods, chattels, evidences  
4 of debt, and things in action.

5 (19) (22) "Population" has the meaning set forth in IC 1-1-3.5-3.

6 (20) (23) "Preceding" and "following", referring to sections in  
7 statutes, mean the sections next preceding or next following that  
8 in which the words occur, unless some other section is designated.

9 (21) (24) "Property" includes personal and real property.

10 (25) **"Sex" refers to the two (2) sexes, female and male, in the  
11 human species with the organization of the anatomy,  
12 hormones, and the gametes oriented toward fertilization  
13 without regard to the individual's psychological, behavioral,  
14 social, chosen, or subjective experience of gender.**

15 (22) (26) "Sheriff" means the sheriff of the county or another  
16 person authorized to perform sheriff's duties.

17 (23) (27) "State", applied to any one (1) of the United States,  
18 includes the District of Columbia and the commonwealths,  
19 possessions, states in free association with the United States, and  
20 the territories. "United States" includes the District of Columbia  
21 and the commonwealths, possessions, states in free association  
22 with the United States, and the territories.

23 (24) (28) "Under legal disabilities" includes persons less than  
24 eighteen (18) years of age, mentally incompetent, or out of the  
25 United States.

26 (25) (29) "Verified", when applied to pleadings, means supported  
27 by oath or affirmation in writing.

28 (26) (30) "Will" includes a testament and codicil.

29 (27) (31) "Without relief" in any judgment, contract, execution,  
30 or other instrument of writing or record, means without the  
31 benefit of valuation laws.

32 (28) (32) "Written" and "in writing" include printing,  
33 lithographing, or other mode of representing words and letters. If  
34 the written signature of a person is required, the terms mean the  
35 proper handwriting of the person or the person's mark.

36 (29) (33) "Year" means a calendar year, unless otherwise  
37 expressed.

38 (30) (34) The definitions in IC 35-31.5 apply to all statutes  
39 relating to penal offenses.

40 (b) This subsection applies to the definitions of "Hoosier veteran"

1 and "veteran" when used in reference to state programs for veterans.  
2 The term "veteran" includes "Hoosier veteran", and applies to the  
3 construction of all Indiana statutes, unless the construction is expressly  
4 excluded by the terms of the statute, is plainly repugnant to the intent  
5 of the general assembly or of the context of the statute, or is  
6 inconsistent with federal law. "Hoosier veteran" means an individual  
7 who meets the following criteria:

8 (1) The individual is a resident of Indiana.  
9 (2) The individual served in an active or reserve component of the  
10 armed forces of the United States or the Indiana National Guard.  
11 (3) The individual completed any required military occupational  
12 specialty training and was not discharged or separated from the  
13 armed forces or the Indiana National Guard under conditions  
14 other than conditions set forth in IC 10-17-12-7.5(2).

15 The definitions set forth in this subsection may not be construed to  
16 affect a Hoosier veteran's eligibility for any state program that is based  
17 upon a particular aspect of the Hoosier veteran's service such as a  
18 disability or a wartime service requirement.".

19 Page 10, between lines 31 and 32, begin a new paragraph and insert:  
20 "SECTION 10. IC 20-33-13.6 IS ADDED TO THE INDIANA  
21 CODE AS A NEW CHAPTER TO READ AS FOLLOWS  
22 [EFFECTIVE JULY 1, 2026]:

23 **Chapter 13.6. Physical Privacy of Students**

24 **Sec. 1. (a) As used in this chapter, "multiple occupancy**  
25 **restroom or changing area" means a room or area in a school**  
26 **building that may be used by more than one (1) student at a time**  
27 **and in which students may be in various stages of undress in the**  
28 **presence of other individuals.**

29 **(b) The term includes a restroom, locker room, changing room,**  
30 **and shower room.**

31 **(c) The term does not include a single occupancy restroom,**  
32 **locker room, changing room, or shower room.**

33 **Sec. 2. As used in this chapter, "school" means any:**

34 **(1) school maintained by a school corporation; or**  
35 **(2) charter school;**

36 **that provides instruction to students in any combination of**  
37 **kindergarten through grade 12.**

38 **Sec. 3. As used in this chapter, "sleeping quarters" means a**  
39 **room with a bed in which more than one (1) individual is housed**  
40 **overnight.**

1           **Sec. 4. Each school shall designate each multiple occupancy**  
2           **restroom or changing area as follows:**

3           **(1) For the exclusive use of the male sex.**

4           **(2) For the exclusive use of the female sex.**

5           **Sec. 5. (a) Subject to subsection (b), an individual shall only use**  
6           **a multiple occupancy restroom or changing area that is designated**  
7           **for the sex that is the individual's sex.**

8           **(b) An individual does not violate subsection (a) if the:**

9           **(1) multiple occupancy restroom or changing area has been**  
10           **temporarily designated for use by the opposite sex; or**

11           **(2) individual is entering a multiple occupancy restroom or**  
12           **changing area for one (1) or more of the following reasons:**

13           **(A) For custodial, maintenance, or inspection purposes.**

14           **(B) To render medical or emergency assistance.**

15           **(C) To accompany a student needing assistance if the**  
16           **individual assisting the student is the student's parent or**  
17           **caregiver.**

18           **(D) To provide coaching or athletic training during athletic**  
19           **events, provided the individual providing coaching or**  
20           **training took reasonable steps to ensure no individuals are**  
21           **in a state of undress prior to entering.**

22           **Sec. 6. During any activity or event authorized by a school in**  
23           **which students share sleeping quarters, a school shall not require**  
24           **a student to share sleeping quarters with a member of the opposite**  
25           **sex, unless the individual of the opposite sex is a member of the**  
26           **student's family.**

27           **Sec. 7. (a) An individual who encounters an individual violating**  
28           **section 5 of this chapter may bring a civil action against the school**  
29           **corporation or school if the school corporation or school:**

30           **(1) provided the individual who violated section 5 of this**  
31           **chapter permission to use a multiple occupancy restroom or**  
32           **changing area that is designated for the sex that is not the**  
33           **individual's sex; or**

34           **(2) failed to take reasonable steps to prohibit the individual**  
35           **who violated section 5 of this chapter from using a multiple**  
36           **occupancy restroom or changing area that is designated for**  
37           **the sex that is not the individual's sex.**

38           **(b) If a school or school corporation violates section 6 of this**  
39           **chapter, an individual who is directly or indirectly injured as a**  
40           **result of the violation may bring a civil action against the school or**

1       **school corporation.**

2           **(c) An action described in this section must be commenced**  
3           **within two (2) years of the violation.**

4           **Sec. 8. The court may award to an individual who prevails in an**  
5           **action under section 7 of this chapter any of the following:**

6           **(1) Injunctive relief.**

7           **(2) Declaratory judgment.**

8           **(3) Costs and reasonable attorney's fees.**

9           **Sec. 9. Nothing in this chapter prohibits a school corporation or**  
10           **school from:**

11           **(1) providing single occupancy sleeping quarters or a single**  
12           **occupancy restroom, locker room, changing room, or shower**  
13           **room; or**

14           **(2) adopting policies necessary to accommodate individuals**  
15           **protected under the Americans with Disabilities Act (42**  
16           **U.S.C. 12101 et seq.) and any amendments and regulations**  
17           **related to the Act.**

18           **Sec. 10. The provisions of this chapter are severable as provided**  
19           **in IC 1-1-1-8(b).**

20           **SECTION 11. IC 20-33-14.5 IS ADDED TO THE INDIANA**  
21           **CODE AS A NEW CHAPTER TO READ AS FOLLOWS**  
22           **[EFFECTIVE JULY 1, 2026]:**

23           **Chapter 14.5. Individual Identification**

24           **Sec. 1. As used in this chapter, "school" means any:**

25           **(1) school maintained by a school corporation; or**  
26           **(2) charter school.**

27           **Sec. 2. A school employee or staff member shall not subject a**  
28           **student to disciplinary action solely because the student declines to:**

29           **(1) identify the student's pronouns; or**  
30           **(2) address an individual by using a name other than the**  
31           **individual's legal name or derivative of the individual's legal**  
32           **name by using a pronoun or a title that is not consistent with**  
33           **the individual's sex.**

34           **Sec. 3. A school corporation or school shall not subject a school**  
35           **employee or staff member to an adverse employment action solely**  
36           **because the school employee or staff member declines to:**

37           **(1) identify their pronouns; or**  
38           **(2) address an individual by using a name other than the**  
39           **individual's legal name or derivative of the individual's legal**  
40           **name by using a pronoun or a title that is not consistent with**

1                   **the individual's sex.**

2           **Sec. 4. (a) A student who is harmed as a result of a violation of**  
3           **section 2 of this chapter, or a school employee or staff member who**  
4           **is harmed as a result of a violation of section 3 of this chapter may**  
5           **bring a civil action against the school corporation or school.**

6           **(b) An action described in this section must be commenced**  
7           **within two (2) years of the violation.**

8           **Sec. 5. The court may award to an individual who prevails in an**  
9           **action under section 4 of this chapter any of the following:**

10           **(1) Injunctive relief.**

11           **(2) Declaratory judgment.**

12           **(3) Costs and reasonable attorney's fees.**

13           **Sec. 6. The provisions of this chapter are severable as provided**  
14           **in IC 1-1-1-8(b).**

15           SECTION 12. IC 21-39-10 IS ADDED TO THE INDIANA CODE  
16           AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
17           JULY 1, 2026]:

18           **Chapter 10. Physical Privacy of Students**

19           **Sec. 1. (a) As used in this chapter, "multiple occupancy**  
20           **restroom or changing area" means a room or area in a state**  
21           **educational institution building that may be used by more than one**  
22           **(1) student at a time and in which students may be in various stages**  
23           **of undress in the presence of other individuals.**

24           **(b) The term includes a restroom, locker room, changing room,**  
25           **and shower room.**

26           **(c) The term does not include a single occupancy restroom,**  
27           **locker room, changing room, or shower room.**

28           **Sec. 2. As used in this chapter, "sleeping quarters" means a**  
29           **room with a bed in which more than one (1) individual is housed**  
30           **overnight.**

31           **Sec. 3. Each state educational institution shall designate each**  
32           **multiple occupancy restroom or changing area as follows:**

33           **(1) For the exclusive use of the male sex.**

34           **(2) For the exclusive use of the female sex.**

35           **Sec. 4. (a) Subject to subsection (b), an individual shall only use**  
36           **a multiple occupancy restroom or changing area that is designated**  
37           **for the sex that is the individual's sex.**

38           **(b) An individual does not violate subsection (a) if the:**

39           **(1) multiple occupancy restroom or changing area has been**  
40           **temporarily designated for use by the opposite sex; or**

12 Sec. 5. A state educational institution shall not require a student  
13 to share sleeping quarters with a member of the opposite sex:

19 Sec. 6. (a) An individual who encounters an individual violating  
20 section 4 of this chapter may bring a civil action against the state  
21 educational institution if the state educational institution:

22 (1) provided the individual who violated section 4 of this  
23 chapter permission to use a multiple occupancy restroom or  
24 changing area that is designated for the sex that is not the  
25 individual's sex; or

30                   (b) If a state educational institution violates section 5 of this  
31 chapter, an individual who is directly or indirectly injured as a  
32 result of the violation may bring a civil action against the state  
33 educational institution.

34                   (c) An action described in this section must be commenced  
35                   within two (2) years of the violation.

36 Sec. 7. The court may award to an individual who prevails in an  
37 action under section 6 of this chapter any of the following:

- 38                   **(1) Injunctive relief.**
- 39                   **(2) Declaratory judgment.**
- 40                   **(3) Costs and reasonable attorney's fees.**

1       **Sec. 8. Nothing in this chapter prohibits a state educational**  
2       **institution from:**

3           **(1) providing single occupancy sleeping quarters or a single**  
4           **occupancy restroom, locker room, changing room, or shower**  
5           **room; or**

6           **(2) adopting policies necessary to accommodate individuals**  
7           **protected under the Americans with Disabilities Act (42**  
8           **U.S.C. 12101 et seq.) and any amendments and regulations**  
9           **related to the Act.**

10       **Sec. 9. The provisions of this chapter are severable as provided**  
11       **in IC 1-1-1-8(b).**

12       SECTION 13. IC 21-39-11 IS ADDED TO THE INDIANA CODE  
13       AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
14       JULY 1, 2026]:

15       **Chapter 11. Individual Identification**

16       **Sec. 1. A state educational institution, including an employee or**  
17       **staff member of a state educational institution, shall not subject a**  
18       **student of a state educational institution to disciplinary action**  
19       **solely because the student declines to:**

20           **(1) identify the student's pronouns; or**

21           **(2) address an individual by using a name other than the**  
22           **individual's legal name or derivative of the individual's legal**  
23           **name by using a pronoun or a title that is not consistent with**  
24           **the individual's sex.**

25       **Sec. 2. A state educational institution shall not subject a school**  
26       **employee or staff member to an adverse employment action solely**  
27       **because the school employee or staff member declines to:**

28           **(1) identify their pronouns; or**

29           **(2) address an individual by using a name other than the**  
30           **individual's legal name or derivative of the individual's legal**  
31           **name by using a pronoun or a title that is not consistent with**  
32           **the individual's sex.**

33       **Sec. 3. (a) A student who is harmed as a result of a violation of**  
34       **section 1 of this chapter, or a school employee or staff member who**  
35       **is harmed as a result of a violation of section 2 of this chapter may**  
36       **bring a civil action against the state educational institution.**

37           **(b) An action described in this section must be commenced**  
38           **within two (2) years of the violation.**

39       **Sec. 4. The court may award to an individual who prevails in an**  
40       **action under section 3 of this chapter any of the following:**

1                   **(1) Injunctive relief.**

2                   **(2) Declaratory judgment.**

3                   **(3) Costs and reasonable attorney's fees.**

4                   **Sec. 5. The provisions of this chapter are severable as provided**  
5                   **in IC 1-1-1-8(b).".**

6                   Page 10, after line 37, begin a new paragraph and insert:

7                   "SECTION 15. IC 24-15-2-14, AS ADDED BY P.L.94-2023,  
8                   SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9                   JULY 1, 2026]: Sec. 14. "Health record" has the meaning set forth in  
10                  **IC 1-1-4-5(a)(6). IC 1-1-4-5(a)(8).".**

11                  Renumber all SECTIONS consecutively.

(Reference is to SB 88 as introduced.)