

PROPOSED AMENDMENT

SB 182 # 5

DIGEST

Physical privacy in schools. 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.

1 Page 8, between lines 13 and 14, begin a new paragraph and insert:
2 "SECTION 6. IC 20-33-13.6 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2026]:
5 **Chapter 13.6. Physical Privacy of Students**
6 **Sec. 1. (a) As used in this chapter, "multiple occupancy**
7 **restroom or changing area" means a room or area in a school**
8 **building that may be used by more than one (1) student at a time**
9 **and in which students may be in various stages of undress in the**
10 **presence of other individuals.**
11 **(b) The term includes a restroom, locker room, changing room,**
12 **and shower room.**
13 **(c) The term does not include a single occupancy restroom,**
14 **locker room, changing room, or shower room.**
15 **Sec. 2. As used in this chapter, "school" means any:**
16 **(1) school maintained by a school corporation; or**
17 **(2) charter school;**
18 **that provides instruction to students in any combination of**
19 **kindergarten through grade 12.**
20 **Sec. 3. As used in this chapter, "sleeping quarters" means a**
21 **room with a bed in which more than one (1) individual is housed**
22 **overnight.**
23 **Sec. 4. Each school shall designate each 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.

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

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

- (1) multiple occupancy restroom or changing area has been temporarily designated for use by the opposite sex; or
- (2) individual is entering a multiple occupancy restroom or changing area for one (1) or more of the following reasons:
 - (A) For custodial, maintenance, or inspection purposes.
 - (B) To render medical or emergency assistance.
 - (C) To accompany a student needing assistance if the individual assisting the student is the student's parent or caregiver.
 - (D) To provide coaching or athletic training during athletic events, provided the individual providing coaching or training took reasonable steps to ensure no individuals are in a state of undress prior to entering.

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

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

- (1) provided the individual who violated section 5 of this chapter permission to use a multiple occupancy restroom or changing area that is designated for the sex that is not the individual's sex; or
- (2) failed to take reasonable steps to prohibit the individual who violated section 5 of this chapter from using a multiple occupancy restroom or changing area that is designated for the sex that is not the individual's sex.

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

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

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

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

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

- (1) providing single occupancy sleeping quarters or a single occupancy restroom, locker room, changing room, or shower room; or**
- (2) adopting policies necessary to accommodate individuals protected under the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and any amendments and regulations related to the Act.**

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

SECTION 7. IC 21-39-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 10. Physical Privacy of Students

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

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

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

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

Sec. 3. Each state educational institution shall designate each 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.

Sec. 4. (a) Subject to subsection (b), an individual shall only use a multiple occupancy restroom or changing area that is designated

1 for the sex that is the individual's sex.

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

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

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

7 (A) For custodial, maintenance, or inspection purposes.

8 (B) To render medical or emergency assistance.

9 (C) To accompany a student needing assistance if the
10 individual assisting the student is the student's parent or
11 caregiver.

12 (D) To provide coaching or athletic training during athletic
13 events, provided the individual providing coaching or
14 training took reasonable steps to ensure no individuals are
15 in a state of undress prior to entering.

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

18 (1) during any activity or event authorized by a state
19 educational institution; or

20 (2) in state educational institution on campus housing;
21 unless the individual who is a member of the opposite sex is a
22 member of the student's family.

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

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

30 (2) failed to take reasonable steps to prohibit the individual
31 who violated section 4 of this chapter from using a multiple
32 occupancy restroom or changing area that is designated for
33 the sex that is not the individual's sex.

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

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

40 Sec. 7. The court may award to an individual who prevails in an

1 **action under section 6 of this chapter any of the following:**

2 **(1) Injunctive relief.**

3 **(2) Declaratory judgment.**

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

5 **Sec. 8. Nothing in this chapter prohibits a state educational**
6 **institution from:**

7 **(1) providing single occupancy sleeping quarters or a single**
8 **occupancy restroom, locker room, changing room, or shower**
9 **room; or**

10 **(2) adopting policies necessary to accommodate individuals**
11 **protected under the Americans with Disabilities Act (42**
12 **U.S.C. 12101 et seq.) and any amendments and regulations**
13 **related to the Act.**

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

16 Renumber all SECTIONS consecutively.

(Reference is to SB 182 as introduced.)