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## SENATE BILL No. 182

Proposed Changes to introduced printing by AM018205

### DIGEST OF PROPOSED AMENDMENT

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.

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A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 1-1-4-5, AS AMENDED BY P.L.238-2025,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2026]: Sec. 5. (a) The following definitions apply to the  
4 construction of all Indiana statutes, unless the construction is plainly  
5 repugnant to the intent of the general assembly or of the context of the  
6 statute:  
7 (1) "Adult", "of full age", and "person in his majority" mean a  
8 person at least eighteen (18) years of age.  
9 (2) "Attorney" includes a counselor or other person authorized  
10 to appear and represent a party in an action or special  
11 proceeding.  
12 (3) "Autism" means a neurological condition as described in the  
13 most recent edition of the Diagnostic and Statistical Manual of  
14 Mental Disorders of the American Psychiatric Association.

2026

IN 182—LS 6808/DI 107



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(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) Except as provided in subsection (c), "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", when used alone to refer to males, females, or the natural differences between males and females is a synonym for sex.**

~~(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.

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

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

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

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

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

**(14) Except as provided in subsection (c), "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.**

~~(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.

~~(14)~~ **(17)** "Month" means a calendar month, unless otherwise



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1 expressed.  
 2 ~~(15)~~ **(18)** "Noncode statute" means a statute that is not codified  
 3 as part of the Indiana Code.  
 4 ~~(16)~~ **(19)** "Oath" includes "affirmation", and "to swear" includes  
 5 to "affirm".  
 6 ~~(17)~~ **(20)** "Person" extends to bodies politic and corporate.  
 7 ~~(18)~~ **(21)** "Personal property" includes goods, chattels, evidences  
 8 of debt, and things in action.  
 9 ~~(19)~~ **(22)** "Population" has the meaning set forth in IC 1-1-3.5-3.  
 10 ~~(20)~~ **(23)** "Preceding" and "following", referring to sections in  
 11 statutes, mean the sections next preceding or next following that  
 12 in which the words occur, unless some other section is  
 13 designated.  
 14 ~~(21)~~ **(24)** "Property" includes personal and real property.  
 15 **(25) Except as provided in subsection (c), "sex" refers to the**  
 16 **two (2) sexes, female and male, in the human species with the**  
 17 **organization of the anatomy, hormones, and the gametes**  
 18 **oriented toward fertilization without regard to the**  
 19 **individual's psychological, behavioral, social, chosen, or**  
 20 **subjective experience of gender.**  
 21 ~~(22)~~ **(26)** "Sheriff" means the sheriff of the county or another  
 22 person authorized to perform sheriff's duties.  
 23 ~~(23)~~ **(27)** "State", applied to any one (1) of the United States,  
 24 includes the District of Columbia and the commonwealths,  
 25 possessions, states in free association with the United States, and  
 26 the territories. "United States" includes the District of Columbia  
 27 and the commonwealths, possessions, states in free association  
 28 with the United States, and the territories.  
 29 ~~(24)~~ **(28)** "Under legal disabilities" includes persons less than  
 30 eighteen (18) years of age, mentally incompetent, or out of the  
 31 United States.  
 32 ~~(25)~~ **(29)** "Verified", when applied to pleadings, means  
 33 supported by oath or affirmation in writing.  
 34 ~~(26)~~ **(30)** "Will" includes a testament and codicil.  
 35 ~~(27)~~ **(31)** "Without relief" in any judgment, contract, execution,  
 36 or other instrument of writing or record, means without the  
 37 benefit of valuation laws.  
 38 ~~(28)~~ **(32)** "Written" and "in writing" include printing,  
 39 lithographing, or other mode of representing words and letters.  
 40 If the written signature of a person is required, the terms mean  
 41 the proper handwriting of the person or the person's mark.  
 42 ~~(29)~~ **(33)** "Year" means a calendar year, unless otherwise



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expressed.

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

(b) This subsection applies to the definitions of "Hoosier veteran" and "veteran" when used in reference to state programs for veterans. The term "veteran" includes "Hoosier veteran", and applies to the construction of all Indiana statutes, unless the construction is expressly excluded by the terms of the statute, is plainly repugnant to the intent of the general assembly or of the context of the statute, or is inconsistent with federal law. "Hoosier veteran" means an individual who meets the following criteria:

(1) The individual is a resident of Indiana.

(2) The individual served in an active or reserve component of the armed forces of the United States or the Indiana National Guard.

(3) The individual completed any required military occupational specialty training and was not discharged or separated from the armed forces or the Indiana National Guard under conditions other than conditions set forth in IC 10-17-12-7.5(2).

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

**(c) The definitions of:**

(1) "sex", in subsection (a)(25);

(2) "male", in subsection (a)(14); and

(3) "female", in subsection (a)(6);

**do not preclude the reasonable accommodation of an individual with a congenital and physically verifiable diagnosis of a disorder of sex development (DSD) or a difference in sex development (DSD).**

SECTION 2. IC 11-10-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) Upon completion of the evaluation prescribed in section 2 of this chapter and before assigning ~~him~~ **an offender** to a facility or program, the department shall determine the appropriate degree of security (maximum, medium, or minimum) for each offender as described in IC 35-38-3-6. In making that determination the department shall, in addition to other relevant information, consider:

(1) the results of the evaluation prescribed in section 2 of this chapter;

(2) the recommendations of the sentencing court; and

2026

IN 182—LS 6808/DI 107



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(3) the degree and kind of custodial control necessary for the protection of the public, staff, other confined persons, and the individual being considered.

(b) After determining the offender's security classification, the department shall assign ~~him~~ **the offender** to a facility or program; make an initial employment, education, training, or other assignment within that facility or program; and order medical, psychiatric, psychological, or other services. In making the assignment, the department shall, in addition to other relevant information, consider:

(1) the results of the evaluation prescribed in section 2 of this chapter;

(2) the offender's security classification;

(3) the offender's need for special therapy or programs, including employment, education, or training available only in specific facilities or programs;

(4) the likelihood of the offender's reintegration into the community in which the facility or program is located;

(5) the desirability of keeping the offender in a facility or program near the area in which ~~he~~ **the offender** resided before commitment;

(6) the desires of the offender;

(7) the current population levels of the facilities or programs considered appropriate for the offender; and

(8) the length of the offender's sentence.

(c) If the department determines that a committed offender is mentally or physically incapacitated to such an extent that proper custody, care, and control cannot be provided by the department, it shall make arrangements for placement outside the department.

(d) Before assigning an offender to a facility or program, the department shall give ~~him~~ **the offender** an opportunity to present pertinent information; discuss with ~~him~~ **the offender** all aspects of the evaluation, classification, and assignment process; and work with ~~him~~ **the offender** to determine a fair and appropriate assignment.

**(e) The department shall assign an offender to a facility or program that is based on the offender's biological sex, as defined by IC 1-1-4-5(a)(25), at birth.**

~~(e)~~ **(f)** If an offender is sentenced to a term of imprisonment of one (1) year or less, the department may make an assignment under this section without making the evaluation prescribed in section 2 of this chapter. In determining the length of an offender's term, consecutive terms of imprisonment shall be added together.

~~(f)~~ **(g)** This section does not prohibit the temporary assignment of



an offender pending evaluation and classification.

SECTION 3. IC 11-10-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) Upon completion of the evaluation prescribed in section 4 of this chapter, the department shall assign the offender to a facility or program; make an initial education, training, employment, or other assignment within that facility or program; and order medical, psychiatric, psychological, or other services it considers appropriate. In making the assignment, the department shall, among other relevant information, consider:

- (1) the results of the evaluation prescribed in section 4 of this chapter;
- (2) the recommendations of the committing court;
- (3) the offender's need for special therapy or programs, including education, training, or employment available only in specific facilities or programs;
- (4) the degree and type of custodial control necessary for the protection of the public, staff, other committed offenders, and the individual being considered;
- (5) the likelihood of the offender's reintegration into the community in which the facility or program is located;
- (6) the desirability of keeping the offender in a facility or program near the area in which ~~he~~ **the offender** resided before commitment;
- (7) the desires of the offender and ~~his~~ **the offender's** parents, guardian, or custodian;
- (8) the current population levels of the facilities or programs considered appropriate for the offender; and
- (9) the probable length of commitment.

(b) If the department determines that a committed offender is mentally or physically incapacitated to such an extent that proper custody, care, and control cannot be provided by the department, it shall make arrangements for placement outside the department.

(c) If an offender is found to be pregnant, the department may return her to the committing court for further disposition.

(d) Before assigning an offender to a facility or program, the department shall give ~~him~~ **the offender** an opportunity to present pertinent information, discuss with ~~him~~ **the offender** all aspects of the evaluation and assignment process, and work with ~~him~~ **the offender** to determine a fair and appropriate assignment.

(e) **The department shall assign an offender to a facility or program that is based on the offender's biological sex, as defined by IC 1-1-4-5(a)(25), at birth.**

2026

IN 182—LS 6808/DI 107



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(f) The department shall, by certified mail, return receipt requested, notify the parent, guardian, custodian, or nearest relative of any committed offender of ~~his~~ **the offender's** physical location and any change in that location.

(g) This section does not preclude the temporary assignment of an offender pending evaluation.

SECTION 4. IC 16-37-2-9, AS AMENDED BY P.L.138-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) The local health officer shall make a permanent record of the following from a birth certificate:

(1) Name.

(2) Sex, **as defined by IC 1-1-4-5(a)(25), either male or female.**

(3) Date of birth.

(4) Place of birth.

(5) Name of the parents.

(6) Birthplace of the parents.

(7) The date of filing of the certificate of birth.

(8) The person in attendance at the birth.

(9) Location of the birth, including whether the birth occurred at a hospital, licensed health care facility, home, or other non-health care facility.

(b) Except as provided in subsection (c), the permanent record shall be open to public inspection. Upon request by an individual, a paper copy of the permanent record in subsection (a) must be provided by the local health officer.

(c) The birth record of an adopted child remains subject to the confidentiality provisions of IC 31-19 regarding the release of adoption information.

(d) The permanent record of the information required under this section may be maintained in the Indiana birth registration system (IBRS).

SECTION 5. IC 16-37-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. (a) As used in this section, "DNA test" means an identification process in which the unique genetic code of an individual that is carried by the individual's deoxyribonucleic acid (DNA) is compared with the genetic codes of another individual.

(b) The state department may make additions to or corrections in a certificate of birth on receipt of adequate documentary evidence, **including based on either** the results of a DNA test under subsection (c) or a paternity affidavit executed under section 2.1 of this chapter.



(c) The state department may make an addition to a birth certificate, **for purposes of paternity**, based on the results of a DNA test only if:

- (1) a father is not named on the birth certificate; and
- (2) a citation to this subsection as the authority for the addition is noted on the birth certificate.

(d) **The sex designation on a birth certificate may not be amended, except for:**

(1) a medically verifiable disorder of sex development, including an individual with:

- (A) external sex characteristics that are irremovably ambiguous;
- (B) forty-six (46) XX chromosomes with virilization;
- (C) forty-six (46) XY chromosomes with undervirilization; or
- (D) both ovarian and testicular issues; or

(2) except as provided in subsection (e), a correction of a birth certificate that is voluntarily amended to record a sex other than the sex of the individual as previously recorded at birth.

(e) An individual applying for a corrected birth certificate under subsection (d)(2) must present a state vital record, federal record, or other documentation bearing the correct sex or attesting to the change.

SECTION 6. IC 20-33-13.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 13.6. 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 school 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, "school" means any:

- (1) school maintained by a school corporation; or
- (2) charter school;

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





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

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

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

(2) in state educational institution on campus housing;

unless the individual who is a member of the opposite sex is a member of the student's family.

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

(1) provided the individual who violated section 4 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 4 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 state educational institution violates section 5 of this chapter, an individual who is directly or indirectly injured as a result of the violation may bring a civil action against the state educational institution.

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

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



an action under section 6 of this chapter any of the following:

(1) Injunctive relief.

(2) Declaratory judgment.

(3) Costs and reasonable attorney's fees.

Sec. 8. Nothing in this chapter prohibits a state educational institution 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. 9. The provisions of this chapter are severable as provided in IC 1-1-1-8(b).

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

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