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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.

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1 (4) "Bond" does not necessarily imply a seal.  
2 (5) "Clerk" means the clerk of the court or a person authorized  
3 to perform the clerk's duties.  
4 (6) **Except as provided in subsection (c), "female", when**  
5 **referencing the human species, means an individual who**  
6 **naturally has, had, will have, or would have, but for a**  
7 **congenital anomaly, an intentional disruption, or an**  
8 **unintentional disruption, the reproductive system that at**  
9 **some point produces, transports, and utilizes eggs for**  
10 **fertilization.**  
11 (7) "Gender", when used alone to refer to males, females, or  
12 the natural differences between males and females is a  
13 synonym for sex.  
14 (8) "Health record", "hospital record", or "medical record"  
15 means written or printed information possessed by a provider (as  
16 defined in IC 16-18-2-295) concerning any diagnosis, treatment,  
17 or prognosis of the patient, unless otherwise defined. Except as  
18 otherwise provided, the terms include mental health records and  
19 drug and alcohol abuse records.  
20 (9) "Highway" includes county bridges and state and county  
21 roads, unless otherwise expressly provided.  
22 (10) "Infant" or "minor" means a person less than eighteen  
23 (18) years of age.  
24 (11) "Inhabitant" may be construed to mean a resident in any  
25 place.  
26 (12) "Judgment" means all final orders, decrees, and  
27 determinations in an action and all orders upon which executions  
28 may issue.  
29 (13) "Land", "real estate", and "real property" include lands,  
30 tenements, and hereditaments.  
31 (14) **Except as provided in subsection (c), "male", when**  
32 **referencing the human species, means an individual who**  
33 **naturally has, had, will have, or would have, but for a**  
34 **congenital anomaly, an intentional disruption, or an**  
35 **unintentional disruption, the reproductive system that at**  
36 **some point produces, transports, and utilizes sperm for**  
37 **fertilization.**  
38 (15) "Mentally incompetent" means of unsound mind.  
39 (16) "Money demands on contract", when used in reference  
40 to an action, means an action arising out of contract when the  
41 relief demanded is a recovery of money.  
42 (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



1 expressed.

2           **(30) (34)** The definitions in IC 35-31.5 apply to all statutes  
3           relating to penal offenses.

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

12 (1) The individual is a resident of Indiana.

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

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

24 (c) The definitions of:

25 (1) "sex", in subsection (a)(25);  
26 (2) "male", in subsection (a)(14); and  
27 (3) "female", in subsection (a)(6);

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

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

40 (1) the results of the evaluation prescribed in section 2 of this  
41 chapter;  
42 (2) the recommendations of the sentencing court; and

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

12 (2) the offender's security classification;

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

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

21 (6) the desires of the offender;

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

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

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

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

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



1 an offender pending evaluation and classification.

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

10 (1) the results of the evaluation prescribed in section 4 of this  
 11 chapter;

12 (2) the recommendations of the committing court;

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

16 (4) the degree and type of custodial control necessary for the  
 17 protection of the public, staff, other committed offenders, and  
 18 the individual being considered;

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

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

24 (7) the desires of the offender and ~~his~~ **the offender's** parents,  
 25 guardian, or custodian;

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

28 (9) the probable length of commitment.

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

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

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

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



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

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

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

11                   (1) Name.  
 12                   (2) Sex, **as defined by IC 1-1-4-5(a)(25), either male or female.**  
 13                   (3) Date of birth.  
 14                   (4) Place of birth.  
 15                   (5) Name of the parents.  
 16                   (6) Birthplace of the parents.  
 17                   (7) The date of filing of the certificate of birth.  
 18                   (8) The person in attendance at the birth.  
 19                   (9) Location of the birth, including whether the birth occurred at  
 20 a hospital, licensed health care facility, home, or other  
 21 non-health care facility.

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

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

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

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

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



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

17 (2) except as provided in subsection (e), a correction of a  
18 birth certificate that is voluntarily amended to record a sex

18 birth certificate that is voluntarily affixed to record a sex  
19 other than the sex of the individual as previously recorded at  
20 birth.

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

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

## Chapter 13.6. Physical Privacy of Students

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

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

39 **(1) school maintained by a school corporation; or**

40 **(2) charter school;**

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



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

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

6           (1) For the exclusive use of the male sex.

7           (2) For the exclusive use of the female sex.

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

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

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

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

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

17           (B) To render medical or emergency assistance.

18           (C) To accompany a student needing assistance if the  
 19           individual assisting the student is the student's parent or  
 20           caregiver.

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

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

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

34           (1) provided the individual who violated section 5 of this  
 35           chapter permission to use a multiple occupancy restroom or  
 36           changing area that is designated for the sex that is not the  
 37           individual's sex; or

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

42           (b) If a school or school corporation violates section 6 of this



1       chapter, an individual who is directly or indirectly injured as a  
 2       result of the violation may bring a civil action against the school or  
 3       school corporation.

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

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

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

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

13       (1) providing single occupancy sleeping quarters or a single  
 14       occupancy restroom, locker room, changing room, or shower  
 15       room; or

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

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

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

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

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

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

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

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

38       Sec. 3. Each state educational institution shall designate each  
 39       multiple occupancy restroom or changing area as follows:

- 40       (1) For the exclusive use of the male sex.
- 41       (2) For the exclusive use of the female sex.

42       Sec. 4. (a) Subject to subsection (b), an individual shall only



1       use a multiple occupancy restroom or changing area that is  
 2       designated for the sex that is the individual's sex.

3       (b) An individual does not violate subsection (a) if the:  
 4           (1) multiple occupancy restroom or changing area has been  
 5           temporarily designated for use by the opposite sex; or  
 6           (2) individual is entering a multiple occupancy restroom or  
 7           changing area for one (1) or more of the following reasons:  
 8              (A) For custodial, maintenance, or inspection purposes.  
 9              (B) To render medical or emergency assistance.  
 10             (C) To accompany a student needing assistance if the  
 11             individual assisting the student is the student's parent or  
 12             caregiver.  
 13             (D) To provide coaching or athletic training during  
 14             athletic events, provided the individual providing  
 15             coaching or training took reasonable steps to ensure no  
 16             individuals are in a state of undress prior to entering.

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

20           (1) during any activity or event authorized by a state  
 21           educational institution; or  
 22           (2) in state educational institution on campus housing;  
 23        unless the individual who is a member of the opposite sex is a  
 24        member of the student's family.

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

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

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

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

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



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