

LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS
FISCAL IMPACT STATEMENT

LS 6939

BILL NUMBER: SB 215

NOTE PREPARED: Jan 4, 2026

BILL AMENDED:

SUBJECT: Gender Matters.

FIRST AUTHOR: Sen. Byrne

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Sex and Gender:* This bill defines "sex" and "gender" for purposes of the Indiana Code. It states that the definitions of "sex" and "gender" are meant to be synonymous in the Indiana Code unless specifically defined otherwise and is clarifying language. The bill sets forth requirements of a short form birth certificate and a long form birth certificate. It specifies when a short form birth certificate may be amended. It also requires the Indiana Department of Health (IDOH) to:

- (1) Update the definition of "sex" used by the agencies;
- (2) Identify birth certificates issued with a change in sex classification by court order;
- (3) Change the sex on the birth certificate back to the originating sex and reissue the birth certificate; and
- (4) Void the superseded document.

The bill allows for the sharing of certain information among specified agencies for the purpose of reissuing a birth certificate.

Multiple Occupancy Restrooms: This bill requires public buildings, certain schools, state educational institutions, and certain businesses to designate multiple occupancy restrooms or changing areas for the exclusive use of the male sex or the exclusive use of the female sex and provides, with exceptions, that an individual may only use a multiple occupancy restroom or changing area designated for the individual's sex. The bill provides specified remedies for a violation of these requirements, including criminal penalties or civil actions. It prohibits the Department of Correction (DOC) and each county jail from housing incarcerated individuals in a facility that does not align with the incarcerated individual's sex. It also creates a civil cause of action for DOC's or a county jail's failure to comply with the prohibition.

Schools: The bill provides that a school may not promote or encourage the use of, or require, compel, or coerce a student, an employee of the school, or a staff member of the school to use:

- (1) A pronoun, title, or other word to identify a student, school employee, or other individual that is inconsistent with the student's, employee's, or individual's biological sex; or
- (2) A name or nickname to identify a student that is inconsistent with the student's name on the student's birth certificate.

The bill creates an exception.

Effective Date: Upon passage; July 1, 2026.

Explanation of State Expenditures: *Penalty Provision:* Certain individuals who do not comply with demands to leave certain multiple occupancy restrooms are committing criminal trespass under the bill and may be prosecuted for a Level 6 felony under certain circumstances. A Level 6 felony is punishable by a prison term ranging from 6 to 30 months, with an advisory sentence of 1 year. The sentence depends on mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$4,825 annually, or \$13.22 daily, per prisoner. However, any additional expenditures are likely to be small.

Birth Certificates: The bill requires the Indiana Department of Health (IDOH) to identify and reissue 1,558 birth certificates with an altered sex classification. This will require IDOH to hire between 1 to 3 temporary employees which would increase salary and fringe benefit expenditures by an estimated \$41,000 to \$ 124,000 per year in FY 2027 and FY 2028. The Bureau of Motor Vehicles and the Department of Labor will also experience a workload increase to provide IDOH with address data, but the agencies should be able to complete the work using existing staffing and resources. [*The IDOH's administrative expenditures are currently paid from the Tobacco Master Settlement Fund, a dedicated fund.*]

Multiple Occupancy Restrooms: The bill could potentially increase state expenditures if public agencies, units, or entities including state educational institutions (SEI) must change existing bathroom facilities. [SEIs receive state funding through General Fund Appropriations.] State agencies and SEIs subject to civil actions under the bill could see increased costs for attorney's fees and costs of prosecution.

Attorney General: Dependent on the extent the bill's provisions result in additional actions filed by the Attorney General, workload and expenditures would increase.

Explanation of State Revenues: *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Level 6 felony is \$10,000 and the maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. The total fee revenue per case would range between \$113 and \$138. The amount of court fees deposited will vary depending on whether the case is filed in a court of record or a municipal court. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in criminal, juvenile, and civil violation cases.](#)

IDOH: The bill is silent on the IDOH's ability to collect fee revenue to reissue each birth certificate. IDOH currently charges \$10 for each birth certificate and \$18 for an amendment to a birth certificate. This bill could reduce the volume of amended birth certificates issued by IDOH in the future. Any increase or reduction in fee revenue deposited in the General Fund as a result of this bill will likely be minimal.

Civil Penalties: The bill allows the Attorney General to file a civil action against certain individuals who may be required to pay up to \$10,000 per violation. Civil penalties collected in this manner will be transferred to the state General Fund. In addition, a public agency, unit, or entity that is determined to be the prevailing party in a civil suit may receive compensation for certain court-related expenses.

Civil Court: If additional civil cases occur and court fees are collected, revenue to the state General Fund will increase. The total revenue per case would range between \$100 and \$122. The amount deposited will vary

depending on whether the case is filed in a court of record or a municipal court. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in civil, probate, and small claims cases.](#)

Explanation of Local Expenditures: *Multiple Occupancy Restrooms:* Local units of government required to change existing bathroom facilities may experience an expenditure increase. Expenditures may also increase if a local unit becomes subject to civil actions under the bill. [See *Explanation of State Expenditures*.]

Penalty Provision: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

Birth certificates: Local health departments will be required to use the short form birth certificate format set forth in the bill. This work is in the agency's routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions result in a guilty verdict, certain local units will collect more revenue. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in criminal, juvenile, and civil violation cases.](#)

Civil Penalties: Revenue for local units and entities may increase if they are determined to be the prevailing party in a civil suit. [See *Explanation of State Revenue*.]

Civil Court: If additional cases occur, revenue will be collected by certain local units. If the case is filed in a court of record, the county will receive \$32 and qualifying municipalities will receive a share of \$3. If the case is filed in a municipal court, the county receives \$20, and the municipality will receive \$37. The following linked document describes the fees and distribution of the revenue: [Court fees imposed in civil, probate, and small claims cases.](#)

State Agencies Affected: All state agencies, units, and entities.

Local Agencies Affected: All local agencies, units, and entities.

Information Sources: Indiana Supreme Court; Indiana Trial Court Fee Manual; Indiana Sheriffs' Association; Department of Corrections; Indiana Gateway for Government Units, 2023 Annual Financial Reports, <https://gateway.ifionline.org/public/download.aspx>;

Bureau of Justice Statistics, 2023 Annual Survey of Jails Data Series, <https://www.icpsr.umich.edu/web/NACJD/series/7>;

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