AN ACT relating to education; providing certain requirements for school facilities that are designated for use by persons of one biological sex; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Section 1 of this bill requires that any school facility in a public school, including a restroom, locker room or shower which is designated for use by persons of one biological sex must only be used by persons of that biological sex, as determined at birth. Section 1 also requires a public school to provide separate, private areas designated for use by pupils based on their biological sex for any school facility where pupils may be in a state of undress in the presence of other pupils. For the purposes of section 1, section 3 of this bill provides an exception from the provisions of existing law that otherwise make it unlawful to deny equal access to places of public accommodation on the ground of gender identity or expression. (NRS 651.070)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:
1. Any school facility in a public school, including, without limitation, a restroom, locker room or shower which is designated
for use by persons of one biological sex must only be used by persons of that biological sex.

2. In any school facility or setting where a pupil may be in a state of undress in the presence of other pupils, a public school shall provide separate, private areas designated for use by pupils based on their biological sex.

3. For any pupil who asserts at school a gender that is different than the pupil’s biological sex, a public school shall provide the best available accommodation that meets the needs of the pupil, but such accommodation must not include access to a school restroom, locker room or shower designated for use by persons whose biological sex is different from the pupil’s biological sex. Such accommodation may include, without limitation, access to a single-stall restroom, access to a unisex restroom or controlled use of a faculty restroom, locker room or shower.

4. As used in this section, “biological sex” means the biological condition of being male or female as determined at birth based on physical differences or, if necessary, at the chromosomal level.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 651.070 is hereby amended to read as follows:

651.070 Except as otherwise provided in section 1 of this act, all persons are entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation, without discrimination or segregation on the ground of race, color, religion, national origin, disability, sexual orientation, sex, gender identity or expression.

Sec. 4. This act becomes effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks to carry out the provisions of this act, and on January 1, 2016, for all other purposes.