

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2231

Introduced by

Senators Luick, Meyer

Representatives Cory, Karls

1 A BILL for an Act to create and enact sections 14-02.4-03.1 and 15.1-06-21 of the North Dakota
2 Century Code, relating to preferred pronoun discriminatory practices and school policies on
3 expressed gender.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** Section 14-02.4-03.1 of the North Dakota Century Code is created and
6 enacted as follows:

7 **14-02.4-03.1. Preferred pronoun - Government entity.**

- 8 1. Unless required by law, a government entity may not require an employee to:
9 a. Use an individual's preferred pronoun when addressing or mentioning the
10 individual in work-related communications.
11 b. Designate the employee's preferred pronoun in work-related communications.
12 2. An individual may assert a violation of this section as a claim or defense in a judicial
13 proceeding and obtain appropriate relief, including costs and reasonable attorney's
14 fees.

15 **SECTION 2.** Section 15.1-06-21 of the North Dakota Century Code is created and enacted
16 as follows:

17 **15.1-06-21. School policy - Expressed gender.**

- 18 1. As used in this section:
19 a. "Expressed gender" means a gender identity, whether expressed through
20 behavior, clothing, mannerisms, preferred pronoun, or physical characteristics,
21 which does not conform to the student's sex; and
22 b. "Sex" means the biological state of being male or female, based on sex organs,
23 chromosomes, and endogenous hormone profiles existing at the time of birth.

- 1 2. Unless otherwise required by law, a board of a school district, a public school, or a
2 teacher in a public school may not:
 - 3 a. Adopt a policy or practice regarding expressed gender;
4 b. Provide or authorize classroom instruction recognizing expressed gender; or
5 c. Provide or require professional development recognizing expressed gender.
- 6 3. When required by federal law, a board of a school district, a public school, or a teacher
7 in a public school may adopt a policy concerning a specific student's expressed
8 gender or preferred pronoun if the policy is made in consultation with, and with the
9 approval of, the student's parents or guardians. Notwithstanding this subsection,
10 unless otherwise required by federal law, a teacher in a public school is not required to
11 use a student's preferred pronoun when referring to the student if the preferred
12 pronoun is inconsistent with the student's sex.
- 13 4. This section does not prohibit a public school teacher from using a student's preferred
14 pronoun that is inconsistent with the student's sex if the teacher has consulted with,
15 and received approval from, the student's parent or guardian and the school
16 administrator.