

Stricken language would be deleted from and underlined language would be added to present law.

Act 955 of the Regular Session

Act 955 of the Regular Session

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

As Engrossed: S3/31/25

A Bill

SENATE BILL 486

5 By: Senator B. Johnson
6 By: Representative Bentley
7

For An Act To Be Entitled

9 AN ACT CONCERNING SAFETY AND PRIVACY IN CERTAIN
10 ENTITIES; CONCERNING THE DESIGNATION OF MULTI-
11 OCCUPANCY RESTROOMS, CHANGING ROOMS, AND SLEEPING
12 QUARTERS IN CERTAIN ENTITIES BASED ON AN INDIVIDUAL'S
13 SEX; AND FOR OTHER PURPOSES.
14
15

Subtitle

16 CONCERNING SAFETY AND PRIVACY IN CERTAIN
17 ENTITIES; AND CONCERNING THE DESIGNATION
18 OF MULTI-OCCUPANCY RESTROOMS, CHANGING
19 ROOMS, AND SLEEPING QUARTERS IN CERTAIN
20 ENTITIES BASED ON AN INDIVIDUAL'S SEX.
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. DO NOT CODIFY. Legislative intent.

26 It is the intent of the General Assembly to:

27 (1) Clarify and reconcile the meaning of "sex", "male", and
28 "female" in state law; and

29 (2) Preserve order and dignity in women's restrooms, changing
30 rooms, and sleeping quarters in facilities where women have traditionally
31 been afforded privacy and safety.
32

33 SECTION 2. Arkansas Code Title 9, Chapter 6, is amended to add an
34 additional section to read as follows:

35 9-6-113. Safety and privacy in shelters – Designation of certain rooms
36 based on sex – Definitions.



1 (a) As used in this section:

2 (1) "Changing room" means the same as defined under § 22-3-2201;

3 (2) "Female" means the same as defined under § 22-3-2201;

4 (3) "Male" means the same as defined under § 22-3-2201;

5 (4) "Multi-occupancy" means the same as defined under § 22-3-
6 2201;

7 (5) "Restroom" means the same as defined under § 22-3-2201;

8 (6) "Sex" means the same as defined under § 22-3-2201; and

9 (7) "Sleeping quarter" means the same as defined under § 22-3-
10 2201.

11 (b) A shelter shall designate each multi-occupancy restroom, changing
12 room, and sleeping quarter for the exclusive use of females or males.

13 (c)(1) Every restroom, changing room, or sleeping quarter in a shelter
14 that is designated for the exclusive use of females or males shall only be
15 used by a member of the designated sex.

16 (2) A person shall not enter a restroom or changing room that is
17 designated for the exclusive use of females or males unless he or she is a
18 member of the designated sex.

19 (3) A shelter shall not require a person to share a sleeping
20 quarter with a member of the opposite sex.

21 (d) A shelter shall take reasonable steps to provide an individual
22 with privacy in a designated restroom, changing room, and sleeping quarter
23 from use by a member of the opposite sex.

24 (e) This section shall not apply to a person who enters a restroom,
25 changing room, or sleeping quarter designated for the opposite sex to:

26 (1) Perform custodial services or maintenance;

27 (2) Render medical assistance;

28 (3) Perform duties arising under the course and scope of
29 employment as a law enforcement officer, employee, or contractor;

30 (4) Seek protection in a designated shelter area during a threat
31 of an emergency or a natural disaster; or

32 (5) Provide aid during a threat of a natural disaster or a
33 serious threat to good order or safety.

34 (f) This section shall not be construed to prohibit a shelter from:

35 (1) Adopting policies necessary to accommodate:

36 (A) Persons protected under the Americans with

1 Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., as it existed on January
2 1, 2025;

3 (B) Young children in need of assistance; or

4 (C) Elderly persons requiring aid;

5 (2) Establishing a single-occupancy restroom, changing room, or
6 sleeping quarter, or a family restroom, changing room, or sleeping quarter;
7 or

8 (3) Redesignating a multi-occupancy restroom, changing room, or
9 sleeping quarter designated for exclusive use by one (1) sex to a designation
10 for exclusive use by the opposite sex.

11 (g) A person in a restroom or changing room designated for use by his
12 or her sex who encounters a person of the opposite sex has a private cause of
13 action for damages and declaratory and injunctive relief against the shelter
14 in which the restroom or changing room is located if the shelter:

15 (1) Provided the person of the opposite sex permission to use a
16 restroom or changing room of the opposite sex; or

17 (2) Failed to take reasonable steps to prohibit the person of
18 the opposite sex from using the restroom or changing room of the opposite
19 sex.

20 (h) A person required by the shelter to share a sleeping quarter
21 designated for use by his or her sex with a person of the opposite sex has a
22 private cause of action for damages and declaratory and injunctive relief
23 against the shelter.

24 (i)(1) A civil action brought pursuant to subsection (g) or subsection
25 (h) of this section shall be commenced within two (2) years of the date the
26 cause of action arises.

27 (2) A person who prevails in an action brought under subsection (g) or
28 subsection (h) of this section may recover reasonable attorney fees and costs
29 from the offending shelter.

30
31 SECTION 3. Arkansas Code Title 12, Chapter 28, Subchapter 1, is
32 amended to add an additional section to read as follows:

33 12-28-110. Safety and privacy in state correctional facilities –
34 Designation of certain rooms based on sex – Definitions.

35 (a) As used in this section:

36 (1) "Changing room" means the same as defined under § 22-3-2201;

1 (2)(A) "Correctional facility" means a state correctional
2 facility that has the power to detain or restrain a person under the laws of
3 the state, including without limitation facilities operated by the Division
4 of Correction or the Division of Community Correction.

5 (B) "Correctional facility" does not include a temporary
6 municipal holding facility;

7 (3) "Facility" means a correctional facility or a juvenile
8 detention facility;

9 (4) "Female" means the same as defined under § 22-3-2201;

10 (5) "Juvenile detention facility" means any facility for the
11 temporary care of juveniles alleged to be delinquent or adjudicated
12 delinquent and awaiting disposition who require secure custody in a
13 physically restraining facility designed and operated with all entrances and
14 exits under the exclusive control of the facility's staff so that the
15 juvenile may not leave the facility unsupervised or without permission under
16 § 12-41-803;

17 (6) "Male" means the same as defined under § 22-3-2201;

18 (7) "Multi-occupancy" means the same as defined under § 22-3-
19 2201;

20 (8) "Restroom" means the same as defined under § 22-3-2201;

21 (9) "Sex" means the same as defined under § 22-3-2201; and

22 (10) "Sleeping quarter" means the same as defined under § 22-3-
23 2201.

24 (b) A facility shall designate each multi-occupancy restroom, changing
25 room, and sleeping quarter for the exclusive use of females or males.

26 (c)(1) Every restroom, changing room, or sleeping quarter in a
27 facility that is designated for the exclusive use of females or males shall
28 only be used by a member of the designated sex.

29 (2) A person shall not enter a restroom or changing room that is
30 designated for the exclusive use of females or males unless he or she is a
31 member of the designated sex.

32 (3) A facility shall not require a person to share a sleeping
33 quarter with a member of the opposite sex.

34 (d) A facility shall take reasonable steps to provide an individual
35 with privacy in a designated restroom, changing room, and sleeping quarter
36 from use by a member of the opposite sex.

1 (e) This section shall not apply to a person who enters a restroom,
2 changing room, or sleeping quarter designated for the opposite sex to:

3 (1) Perform custodial services or maintenance;

4 (2) Render medical assistance;

5 (3) Perform duties arising under the course and scope of
6 employment as a law enforcement officer, employee, or contractor;

7 (4) Seek protection in a designated shelter area during a threat
8 of an emergency or a natural disaster;

9 (5) Provide aid during a threat of a natural disaster or a
10 serious threat to good order or safety; or

11 (6) Address, supervise, or treat athletes that the individual is
12 overseeing as a coach or an athletics personnel member during a reasonable
13 time before an athletic event, during an athletic event, or immediately
14 following an athletic event if:

15 (A) The coach or the athletics personnel member verifies
16 that no person is in a state of undress at any time while the coach or the
17 athletics personnel member is present; and

18 (B) An adult other than the coach or the athletics
19 personnel member is also present.

20 (f) This section shall not be construed to prohibit a facility from:

21 (1) Adopting policies necessary to accommodate:

22 (A) Persons protected under the Americans with
23 Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., as it existed on January
24 1, 2025;

25 (B) Young children in need of assistance; or

26 (C) Elderly persons requiring aid;

27 (2) Establishing a single-occupancy restroom, changing room, or
28 sleeping quarter, or a family restroom, changing room, or sleeping quarter;

29 (3) Redesignating a multi-occupancy restroom, changing room, or
30 sleeping quarter designated for exclusive use by one (1) sex to a designation
31 for exclusive use by the opposite sex; or

32 (4) Assigning a transgender or intersex inmate in a housing or
33 programming assignment on a case-by-case basis to ensure the health and
34 safety of the inmate under 28 C.F.R. § 115.42, as it existed on January 1,
35 2025.

36 (g) A person in a restroom or changing room designated for use by his

1 or her sex who encounters a person of the opposite sex has a private cause of
2 action for declaratory and injunctive relief against the facility in which
3 the restroom or changing room is located if the facility:

4 (1) Provided the person of the opposite sex permission to use a
5 restroom or changing room of the opposite sex; or

6 (2) Failed to take reasonable steps to prohibit the person of
7 the opposite sex from using the restroom or changing room of the opposite
8 sex.

9 (h) A person required by the facility to share a sleeping quarter
10 designated for use by his or her sex with a person of the opposite sex has a
11 private cause of action for declaratory and injunctive relief against the
12 facility.

13 (i)(1) The Arkansas State Claims Commission shall have jurisdiction
14 under § 19-10-201 et seq. over all claims made under subsection (g) or
15 subsection (h) of this section for damages otherwise barred by the doctrine
16 of sovereign immunity.

17 (2) A claim made under subdivision (i)(1) of this section shall
18 be filed within two (2) years of the date the cause of action arises.

19 (j)(1) A civil action brought under subsection (g) or subsection (h)
20 of this section shall be commenced within two (2) years of the date the cause
21 of action arises.

22 (2)(A) A person who substantially prevails in an action brought
23 under subsection (g) or subsection (h) of this section may file a claim with
24 the commission to recover reasonable attorney's fees and other litigation
25 expenses reasonably incurred under § 19-10-204.

26 (B) A claim for reasonable attorney's fees and other
27 litigation expenses reasonably incurred under subdivision (j)(2)(A) of this
28 section shall be filed with the commission within sixty (60) days of the
29 final disposition of the action.

30
31 SECTION 4. Arkansas Code Title 12, Chapter 41, Subchapter 1, is
32 amended to add an additional section to read as follows:

33 12-41-111. Safety and privacy in local correctional facilities –
34 Designation of certain rooms based on sex – Definitions.

35 (a) As used in this section:

36 (1) "Changing room" means the same as defined under § 22-3-2201;

1 (2)(A) "Correctional facility" means a local correctional
2 facility that has the power to detain or restrain a person under the laws of
3 the state, including without limitation facilities operated by the Division
4 of Correction or the Division of Community Correction.

5 (B) "Correctional facility" does not include a temporary
6 municipal holding facility;

7 (3) "Facility" means a correctional facility or a juvenile
8 detention facility;

9 (4) "Female" means the same as defined under § 22-3-2201;

10 (5) "Juvenile detention facility" means any facility for the
11 temporary care of juveniles alleged to be delinquent or adjudicated
12 delinquent and awaiting disposition who require secure custody in a
13 physically restraining facility designed and operated with all entrances and
14 exits under the exclusive control of the facility's staff so that the
15 juvenile may not leave the facility unsupervised or without permission under
16 § 12-41-803;

17 (6) "Male" means the same as defined under § 22-3-2201;

18 (7) "Multi-occupancy" means the same as defined under § 22-3-
19 2201;

20 (8) "Restroom" means the same as defined under § 22-3-2201;

21 (9) "Sex" means the same as defined under § 22-3-2201; and

22 (10) "Sleeping quarter" means the same as defined under § 22-3-
23 2201.

24 (b) A facility shall designate each multi-occupancy restroom, changing
25 room, and sleeping quarter for the exclusive use of females or males.

26 (c)(1) Every restroom, changing room, or sleeping quarter in a
27 facility that is designated for the exclusive use of females or males shall
28 only be used by members of the designated sex.

29 (2) A person shall not enter a restroom or changing room that is
30 designated for the exclusive use of females or males unless he or she is a
31 member of the designated sex.

32 (3) A facility shall not require a person to share a sleeping
33 quarter with a member of the opposite sex.

34 (d) A facility shall take reasonable steps to provide an individual
35 with privacy in a designated restroom, changing room, and sleeping quarter
36 from use by a member of the opposite sex.

1 (e) This section shall not apply to a person who enters a restroom,
2 changing room, or sleeping quarter designated for the opposite sex to:

3 (1) Perform custodial services or maintenance;

4 (2) Render medical assistance;

5 (3) Perform duties arising under the course and scope of
6 employment as a law enforcement officer, employee, or contractor;

7 (4) Seek protection in a designated shelter area during a threat
8 of an emergency or a natural disaster;

9 (5) Provide aid during a threat of a natural disaster or a
10 serious threat to good order or safety; or

11 (6) Address, supervise, or treat athletes that the individual is
12 overseeing as a coach or an athletics personnel member during a reasonable
13 time before an athletic event, during an athletic event, or immediately
14 following an athletic event if:

15 (A) The coach or the athletics personnel member verifies
16 that no person is in a state of undress at any time while the coach or the
17 athletics personnel member is present; and

18 (B) An adult other than the coach or the athletics
19 personnel member is also present.

20 (f) This section shall not be construed to prohibit a facility from:

21 (1) Adopting policies necessary to accommodate:

22 (A) Persons protected under the Americans with
23 Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., as it existed on January
24 1, 2025;

25 (B) Young children in need of assistance; or

26 (C) Elderly persons requiring aid;

27 (2) Establishing a single-occupancy restroom, changing room, or
28 sleeping quarter, or a family restroom, changing room, or sleeping quarter;

29 (3) Redesignating a multi-occupancy restroom, changing room, or
30 sleeping quarter designated for exclusive use by one (1) sex to a designation
31 for exclusive use by the opposite sex; or

32 (4) Assigning a transgender or intersex inmate in a housing or
33 programming assignment on a case-by-case basis to ensure the health and
34 safety of the inmate under 28 C.F.R. § 115.42, as it existed on January 1,
35 2025.

36 (g) A person in a restroom or changing room designated for use by his

1 or her sex who encounters a person of the opposite sex has a private cause of
2 action for damages and declaratory and injunctive relief against the facility
3 in which the restroom or changing room is located if the facility:

4 (1) Provided the person of the opposite sex permission to use a
5 restroom or changing room of the opposite sex; or

6 (2) Failed to take reasonable steps to prohibit the person of
7 the opposite sex from using the restroom or changing room of the opposite
8 sex.

9 (h) A person required by the facility to share a sleeping quarter
10 designated for use by his or her sex with a person of the opposite sex has a
11 private cause of action for damages and declaratory and injunctive relief
12 against the facility.

13 (i)(1) A civil action brought pursuant to subsection (g) or subsection
14 (h) of this section shall be commenced within two (2) years of the date the
15 cause of action arises.

16 (2) A person who prevails in a civil action brought under
17 subsection (g) or subsection (h) of this section may recover reasonable
18 attorney fees and costs from the offending facility.

19
20 SECTION 5. Arkansas Code Title 22, Chapter 3, is amended to add an
21 additional subchapter to read as follows:

22 Subchapter 22 – Safety and Privacy in Public Buildings

23
24 22-3-2201. Definitions.

25 As used in this subchapter:

26 (1) "Changing room" means a room or area in which a person may
27 be in a state of undress in the presence of others, including without
28 limitation a locker room or a shower room;

29 (2) "Female" means an individual who naturally has, had, will
30 have, or would have but for a congenital anomaly or intentional or
31 unintentional disruption the reproductive system that at some point produces,
32 transports, and utilizes eggs for fertilization;

33 (3) "Governmental entity" means every department, division,
34 office, board, commission, institution, and political subdivision of this
35 state;

36 (4) "Male" means an individual who naturally has, had, will

1 have, or would have but for a congenital anomaly or intentional or
2 unintentional disruption the reproductive system that at some point produces,
3 transports, and utilizes sperm for fertilization;

4 (5) "Multi-occupancy" means a space designed for use by multiple
5 persons simultaneously;

6 (6) "Public building" means a building or related facility
7 occupied by a governmental entity;

8 (7) "Restroom" means a room that includes one or more toilets or
9 urinals;

10 (8) "Sex" means an individual's biological sex, either male or
11 female; and

12 (9) "Sleeping quarter" means a room with a bed in which more
13 than one (1) individual is housed overnight.

14
15 22-3-2202. Safety and Privacy in Public Buildings – Designation of
16 certain rooms based on sex.

17 (a) A governmental entity occupying a public building shall designate
18 each multi-occupancy restroom, changing room, and sleeping quarter for the
19 exclusive use of females or males.

20 (b)(1) Every restroom, changing room, or sleeping quarter in a public
21 building that is designated for the exclusive use of females or males shall
22 only be used by a member of the designated sex.

23 (2) A person shall not enter a restroom or changing room that is
24 designated for the exclusive use of females or males unless he or she is a
25 member of the designated sex.

26 (3) A governmental entity occupying a public building shall not
27 require a person to share a sleeping quarter with a member of the opposite
28 sex.

29 (c) A governmental entity occupying a public building shall take
30 reasonable steps to provide an individual with privacy in a designated
31 restroom, changing room, and sleeping quarter from members of the opposite
32 sex.

33 (d) This section shall not apply to a person who enters a restroom,
34 changing room, or sleeping quarter designated for the opposite sex to:

35 (1) Perform custodial services or maintenance;

36 (2) Render medical assistance;

1 (3) Perform duties arising under the course and scope of
2 employment as a law enforcement officer, employee, or contractor;

3 (4) Seek protection in a designated shelter area during a threat
4 of an emergency or a natural disaster;

5 (5) Provide aid during a threat of a natural disaster or a
6 serious threat to good order or safety; or

7 (6) Address, supervise, or treat athletes that the individual is
8 overseeing as a coach or an athletics personnel member during a reasonable
9 time before an athletic event, during an athletic event, or immediately
10 following an athletic event if:

11 (A) The coach or the athletics personnel member verifies
12 that no person is in a state of undress at any time while the coach or the
13 athletics personnel member is present; and

14 (B) An adult other than the coach or the athletics
15 personnel member is also present.

16 (e) This section shall not be construed to prohibit a governmental
17 entity occupying a public building from:

18 (1) Adopting policies necessary to accommodate:

19 (A) Persons protected under the Americans with
20 Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., as it existed on January
21 1, 2025;

22 (B) Young children in need of assistance; or

23 (C) Elderly persons requiring aid;

24 (2) Establishing a single-occupancy restroom, a changing room,
25 or sleeping quarter, or a family restroom, changing room, or sleeping
26 quarter; or

27 (3) Redesignating a multi-occupancy restroom, changing room, or
28 sleeping quarter designated for exclusive use by one (1) sex to a designation
29 for exclusive use by the opposite sex.

30
31 22-3-2203. Remedies.

32 (a) A person in a restroom or changing room designated for use by his
33 or her sex who encounters a person of the opposite sex has a private cause of
34 action for damages, if the governmental entity is a political subdivision of
35 the state and declaratory and injunctive relief against the governmental
36 entity occupying a public building in which the restroom or changing room is

1 located if the governmental entity:

2 (1) Provided the person of the opposite sex permission to use a
3 restroom or changing room of the opposite sex; or

4 (2) Failed to take reasonable steps to prohibit the person of
5 the opposite sex from using the restroom or changing room of the opposite
6 sex.

7 (b) A person required by the governmental entity occupying a public
8 building to share a sleeping quarter designated for use by his or her sex
9 with a person of the opposite sex has a private cause of action for damages,
10 if the governmental entity is a political subdivision of the state and
11 declaratory and injunctive relief against the governmental entity occupying a
12 public building.

13 (c)(1) The Arkansas State Claims Commission shall have jurisdiction
14 under § 19-10-201 et seq. over all claims made under subsection (a) or
15 subsection (b) of this section for damages otherwise barred by the doctrine
16 of sovereign immunity.

17 (2) A claim made under subdivision (c)(1) of this section shall
18 be filed within two (2) years of the date the cause of action arises.

19 (d)(1) A civil action brought under subsection (a) or subsection (b)
20 of this section shall be commenced within two (2) years of the date the cause
21 of action arises.

22 (2)(A) A person who substantially prevails in an action brought
23 under subsection (a) or subsection (b) of this section may file a claim with
24 the commission to recover reasonable attorney's fees and other litigation
25 expenses reasonably incurred under § 19-10-204.

26 (B) A claim for reasonable attorney's fees and other
27 litigation expenses reasonably incurred under subdivision (d)(2)(A) of this
28 section shall be filed with the commission within sixty (60) days of the
29 final disposition of the action.

30
31 SECTION 6. DO NOT CODIFY. SEVERABILITY. If any provision of this act
32 or the application of this act to any person or circumstance is held invalid,
33 the invalidity shall not affect other provisions or applications of this act
34 which can be given effect without the invalid provision or application, and
35 to this end, the provisions of this act are declared severable.

36

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

/s/B. Johnson

APPROVED: 4/21/25