

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

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

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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

*/s/B. Johnson*

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