

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

A Bill

SENATE BILL 486

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

For An Act To Be Entitled

8
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

Subtitle

15
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.
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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 female
28 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 of
 26 the cause of action.

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

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

33 (g) A person in a restroom or changing room designated for use by his
34 or her sex who encounters a person of the opposite sex has a private cause of
35 action for damages and declaratory and injunctive relief against the facility
36 in which the restroom or changing room is located if the facility:

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

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

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

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

13 (2) A person who prevails in an action brought under subsection
 14 (g) or subsection (h) of this section may recover reasonable attorney fees
 15 and costs from the offending facility.

16
 17 SECTION 4. Arkansas Code Title 12, Chapter 41, Subchapter 1, is
 18 amended to add an additional section to read as follows:

19 12-41-111. Safety and Privacy in Local Correctional Facilities –
 20 Designation of certain rooms based on sex – Definitions.

21 (a) As used in this section:

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

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

27 (B) "Correctional facility" does not include a temporary
 28 municipal holding facility;

29 (3) "Facility" means a correctional facility or a juvenile
 30 detention facility;

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

32 (5) "Juvenile detention facility" means any facility for the
 33 temporary care of juveniles alleged to be delinquent or adjudicated
 34 delinquent and awaiting disposition who require secure custody in a
 35 physically restraining facility designed and operated with all entrances and
 36 exits under the exclusive control of the facility's staff so that the

1 juvenile may not leave the facility unsupervised or without permission under
2 § 12-41-803;

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

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

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

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

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

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

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

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

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

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

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

25 (1) Perform custodial services or maintenance;

26 (2) Render medical assistance;

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

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

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

33 (6) Address, supervise, or treat athletes that the individual is
34 overseeing as a coach or an athletics personnel member during a reasonable
35 time before an athletic event, during an athletic event, or immediately
36 following an athletic event if:

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

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

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

7 (1) Adopting policies necessary to accommodate:

8 (A) Persons protected under the Americans with
9 Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., as it existed on January
10 1, 2025;

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

12 (C) Elderly persons requiring aid;

13 (2) Establishing a single-occupancy restroom, changing room, or
14 sleeping quarter, or a family restroom, changing room, or sleeping quarter;
15 or

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

19 (g) A person in a restroom or changing room designated for use by his
20 or her sex who encounters a person of the opposite sex has a private cause of
21 action for damages and declaratory and injunctive relief against the facility
22 in which the restroom or changing room is located if the facility:

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

25 (2) Failed to take reasonable steps to prohibit the person of
26 the opposite sex from using the restroom or changing room of the opposite
27 sex.

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

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

35 (2) A person who prevails in a civil action brought under
36 subsection (g) or subsection (h) of this section may recover reasonable

1 attorney fees and costs from the offending facility.

2
3 SECTION 5. Arkansas Code Title 22, Chapter 3, is amended to add an
4 additional subchapter to read as follows:

5 Subchapter 22 – Safety and Privacy in Public Buildings

6
7 22-3-2201. Definitions.

8 As used in this subchapter:

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

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

16 (3) "Governmental entity" means every department, division,
17 office, board, commission, institution, and political subdivision of this
18 state;

19 (4) "Male" means an individual who naturally has, had, will
20 have, or would have but for a congenital anomaly or intentional or
21 unintentional disruption the reproductive system that at some point produces,
22 transports, and utilizes sperm for fertilization;

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

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

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

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

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

33
34 22-3-2202. Safety and Privacy in Public Buildings – Designation of
35 certain rooms based on sex.

36 (a) A governmental entity occupying a public building shall designate

1 each multi-occupancy restroom, changing room, and sleeping quarter for the
2 exclusive use of females or males.

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

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

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

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

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

18 (1) Perform custodial services or maintenance;

19 (2) Render medical assistance;

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

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

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

26 (6) Address, supervise, or treat athletes that the individual is
27 overseeing as a coach or an athletics personnel member during a reasonable
28 time before an athletic event, during an athletic event, or immediately
29 following an athletic event if:

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

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

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

1 (1) Adopting policies necessary to accommodate:

2 (A) Persons protected under the Americans with
3 Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., as it existed on January
4 1, 2025;

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

6 (C) Elderly persons requiring aid;

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

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

13
14 22-3-2203. Remedies.

15 (a) A person in a restroom or changing room designated for use by his
16 or her sex who encounters a person of the opposite sex has a private cause of
17 action for damages and declaratory and injunctive relief against the
18 governmental entity occupying a public building in which the restroom or
19 changing room is located if the governmental entity:

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

22 (2) Failed to take reasonable steps to prohibit the person of
23 the opposite sex from using the restroom or changing room of the opposite
24 sex.

25 (b) A person required by the governmental entity occupying a public
26 building to share a sleeping quarter designated for use by his or her sex
27 with a person of the opposite sex has a private cause of action for damages
28 and declaratory and injunctive relief against the governmental entity
29 occupying a public building.

30 (c)(1) A civil action brought pursuant to subsection (a) or subsection
31 (b) of this section shall be commenced within two (2) years of the date of
32 the cause of action.

33 (2) A person who prevails in a civil action brought under
34 subsection (a) or subsection (b) of this section may recover reasonable
35 attorney fees and costs from the offending governmental entity.

36

1 SECTION 6. DO NOT CODIFY. SEVERABILITY. If any provision of this act
2 or the application of this act to any person or circumstance is held invalid,
3 the invalidity shall not affect other provisions or applications of this act
4 which can be given effect without the invalid provision or application, and
5 to this end, the provisions of this act are declared severable.

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