

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 730

Introduced by Kauth, 31.

Read first time January 07, 2026

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to public health and welfare; to define terms;
- 2 to require public schools, public postsecondary educational
- 3 institutions, and state agencies to designate restrooms and locker
- 4 rooms based on sex and prohibit use by the opposite sex as
- 5 prescribed; and to require each state agency to define an
- 6 individuals sex as either male or female for purposes of rules and
- 7 regulations, the enforcement of administrative actions, and the
- 8 adjudication of disputes as prescribed.
- 9 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** (1) For purposes of this section:

2 (a) Boy means an adolescent human male;

3 (b) Designate means to post signage or otherwise provide indication
4 at or near the entrance to the restroom or locker room that is readily
5 visible and states that the restroom or locker room is designated as one
6 of the following: For use by females, for use by males, single occupancy,
7 or for use by families;

8 (c) Female means an individual who naturally has, had, will have, or
9 would have, but for a congenital anomaly or intentional or unintentional
10 disruption, the reproductive system that at some point produces,
11 transports, and utilizes eggs for fertilization. Female includes a woman
12 and a girl;

13 (d) Girl means an adolescent human female;

14 (e) Male means an individual who naturally has, had, will have, or
15 would have, but for a congenital anomaly or intentional or unintentional
16 disruption, the reproductive system that at some point produces,
17 transports, and utilizes sperm for fertilization. Male includes a man and
18 a boy;

19 (f) Man means an adult human male;

20 (g) Public school means any public school offering instruction in
21 elementary or high school grades;

22 (h) Sex means an individual's sex, either male or female; and

23 (i) Woman means an adult human female.

24 (2) The governing body of a public school shall designate each group
25 restroom within each school building as one of the following: For use by
26 females, for use by males, single occupancy, or for use by families.

27 (3)(a) Except as provided in subdivision (3)(b) of this section, the
28 governing body of a public school shall not:

29 (i) Allow a male to use a restroom designated for use by females; or

30 (ii) Allow a female to use a restroom designated for use by males.

31 (b) This subsection shall not apply to:

1 (i) An individual entering a restroom under the following
2 circumstances:

3 (A) Entrance for custodial, maintenance, or inspection purposes so
4 long as such individual takes reasonable steps to ensure that no
5 individual of the opposite sex is in a state of undress prior to entering
6 the restroom; or

7 (B) Entrance to render emergency assistance; or

8 (ii) A parent or caregiver bringing a minor child or an individual
9 with a disability that is of the opposite sex of such parent or caregiver
10 into a restroom designated for such parent's or caregiver's sex.

11 (4) The governing body of a public school shall designate each
12 locker room within each school building as one of the following: For use
13 by females, for use by males, or single occupancy.

14 (5)(a) Except as provided in subdivision (5)(b) of this section, the
15 governing body of a public school shall not:

16 (i) Allow a male to enter or use a locker room designated for and
17 being used at such time by one or more females; or

18 (ii) Allow a female to enter or use a locker room designated for and
19 being used at such time by one or more males.

20 (b) This subsection shall not apply to an individual entering a
21 locker room under the following circumstances:

22 (i) Entrance for custodial, maintenance, or inspection purposes so
23 long as such individual takes reasonable steps to ensure that no
24 individual of the opposite sex is in a state of undress prior to entering
25 the locker room;

26 (ii) Entrance to render emergency assistance; or

27 (iii) Entrance by a coach, athletic trainer, or other authorized
28 official or school employee so long as such individual takes reasonable
29 steps to ensure that no individual of the opposite sex is in a state of
30 undress prior to entering the locker room.

31 (6) An individual born with a diagnosis of a disorder or difference

1 in sex development shall have the relevant legal protections and
2 accommodations afforded under the federal Americans with Disabilities Act
3 of 1990, as amended.

4 (7)(a) The governing body of each public school shall adopt a policy
5 implementing this section. Such policy shall include provisions regarding
6 the conduct of visitors and the public.

7 (b) The governing body of a public school or any official or
8 employee of a public school shall not retaliate against any individual
9 for reporting in good faith a violation of this section or related rules,
10 regulations, or policies.

11 **Sec. 2.** (1) For purposes of this section:

12 (a) Boy means an adolescent human male;

13 (b) Designate means to post signage or otherwise provide indication
14 at or near the entrance to the restroom or locker room that is readily
15 visible and states that the restroom or locker room is designated as one
16 of the following: For use by females, for use by males, single occupancy,
17 or for use by families;

18 (c) Female means an individual who naturally has, had, will have, or
19 would have, but for a congenital anomaly or intentional or unintentional
20 disruption, the reproductive system that at some point produces,
21 transports, and utilizes eggs for fertilization. Female includes a woman
22 and a girl;

23 (d) Girl means an adolescent human female;

24 (e) Male means an individual who naturally has, had, will have, or
25 would have, but for a congenital anomaly or intentional or unintentional
26 disruption, the reproductive system that at some point produces,
27 transports, and utilizes sperm for fertilization. Male includes a man and
28 a boy;

29 (f) Man means an adult human male;

30 (g) Postsecondary educational institution means a university,
31 college, or community college located in Nebraska that is a member

1 institution of an accrediting body recognized by the United States
2 Department of Education;

3 (h) Sex means an individual's sex, either male or female; and

4 (i) Woman means an adult human female.

5 (2) The governing body of a public postsecondary educational
6 institution shall designate each group restroom within each school
7 building as one of the following: For use by females, for use by males,
8 single occupancy, or for use by families.

9 (3)(a) Except as provided in subdivision (3)(b) of this section, the
10 governing body of a public postsecondary educational institution shall
11 not:

12 (i) Allow a male to use a restroom designated for use by females; or

13 (ii) Allow a female to use a restroom designated for use by males.

14 (b) This subsection shall not apply to:

15 (i) An individual entering a restroom under the following
16 circumstances:

17 (A) Entrance for custodial, maintenance, or inspection purposes so
18 long as such individual takes reasonable steps to ensure that no
19 individual of the opposite sex is in a state of undress prior to entering
20 the restroom; or

21 (B) Entrance to render emergency assistance; or

22 (ii) A parent or caregiver bringing a minor child or an individual
23 with a disability that is of the opposite sex of such parent or caregiver
24 into a restroom designated for such parent's or caregiver's sex.

25 (4) The governing body of a public postsecondary educational
26 institution shall designate each locker room within each school building
27 as one of the following: For use by females, for use by males, or single
28 occupancy.

29 (5)(a) Except as provided in subdivision (5)(b) of this section, the
30 governing body of a public postsecondary educational institution shall
31 not:

1 (i) Allow a male to enter or use a locker room designated for and
2 being used at such time by one or more females; or

3 (ii) Allow a female to enter or use a locker room designated for and
4 being used at such time by one or more males.

5 (b) This subsection shall not apply to an individual entering a
6 locker room under the following circumstances:

7 (i) Entrance for custodial, maintenance, or inspection purposes so
8 long as such individual takes reasonable steps to ensure that no
9 individual of the opposite sex is in a state of undress prior to entering
10 the locker room;

11 (ii) Entrance to render emergency assistance; or

12 (iii) Entrance by a coach, athletic trainer, or other authorized
13 official or school employee so long as such individual takes reasonable
14 steps to ensure that no individual of the opposite sex is in a state of
15 undress prior to entering the locker room.

16 (6) An individual born with a diagnosis of a disorder or difference
17 in sex development shall have the relevant legal protections and
18 accommodations afforded under the federal Americans with Disabilities Act
19 of 1990, as amended.

20 (7)(a) The governing body of each public postsecondary educational
21 institution shall adopt a policy implementing this section. Such policy
22 shall include provisions regarding the conduct of visitors and the
23 public.

24 (b) The governing body of a public postsecondary educational
25 institution or any official or employee of a public postsecondary
26 educational institution shall not retaliate against any individual for
27 reporting in good faith a violation of this section or related rules,
28 regulations, or policies.

29 **Sec. 3. (1) For purposes of this section:**

30 (a) Boy means an adolescent human male;

31 (b) Designate means to post signage or otherwise provide indication

1 at or near the entrance to the restroom or locker room that is readily
2 visible and states that the restroom or locker room is designated as one
3 of the following: For use by females, for use by males, single occupancy,
4 or for use by families;

5 (c) Female means an individual who naturally has, had, will have, or
6 would have, but for a congenital anomaly or intentional or unintentional
7 disruption, the reproductive system that at some point produces,
8 transports, and utilizes eggs for fertilization. Female includes a woman
9 and a girl;

10 (d) Girl means an adolescent human female;

11 (e) Male means an individual who naturally has, had, will have, or
12 would have, but for a congenital anomaly or intentional or unintentional
13 disruption, the reproductive system that at some point produces,
14 transports, and utilizes sperm for fertilization. Male includes a man and
15 a boy;

16 (f) Man means an adult human male;

17 (g) Sex means an individual's sex, either male or female;

18 (h) State agency means any department, agency, board, bureau, or
19 commission of the state or any other entity whose primary function is to
20 act as an instrumentality or agency of the state; and

21 (i) Woman means an adult human female.

22 (2) A state agency shall designate each group restroom within any
23 facility owned by the state as one of the following: For use by females,
24 for use by males, single occupancy, or for use by families.

25 (3)(a) Except as provided in subdivision (3)(b) of this section, a
26 state agency shall not:

27 (i) Allow a male to use a restroom designated for use by females; or

28 (ii) Allow a female to use a restroom designated for use by males.

29 (b) This subsection shall not apply to:

30 (i) An individual entering a restroom under the following
31 circumstances:

1 (A) Entrance for custodial, maintenance, or inspection purposes so
2 long as such individual takes reasonable steps to ensure that no
3 individual of the opposite sex is in a state of undress prior to entering
4 the restroom; or

5 (B) Entrance to render emergency assistance; or

6 (ii) A parent or caregiver bringing a minor child or an individual
7 with a disability that is of the opposite sex of such parent or caregiver
8 into a restroom designated for such parent's or caregiver's sex.

9 (4) A state agency shall designate each locker room within each
10 facility owned by the state as one of the following: For use by females,
11 for use by males, or single occupancy.

12 (5)(a) Except as provided in subdivision (5)(b) of this section, a
13 state agency shall not:

14 (i) Allow a male to enter or use a locker room designated for and
15 being used at such time by one or more females; or

16 (ii) Allow a female to enter or use a locker room designated for and
17 being used at such time by one or more males.

18 (b) This subsection shall not apply to an individual entering a
19 locker room under the following circumstances:

20 (i) Entrance for custodial, maintenance, or inspection purposes so
21 long as such individual takes reasonable steps to ensure that no
22 individual of the opposite sex is in a state of undress prior to entering
23 the locker room;

24 (ii) Entrance to render emergency assistance; or

25 (iii) Entrance by an authorized individual so long as such
26 individual takes reasonable steps to ensure that no individual of the
27 opposite sex is in a state of undress prior to entering the locker room.

28 (6) An individual born with a diagnosis of a disorder or difference
29 in sex development shall have the relevant legal protections and
30 accommodations afforded under the federal Americans with Disabilities Act
31 of 1990, as amended.

1 **Sec. 4.** Each state agency in the adoption and promulgation of
2 administrative rules and regulations, the enforcement of administrative
3 decisions, and the adjudication of disputes by administrative agencies
4 shall define an individual's sex as either a male or female.