

SESSION OF 2026

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE FOR
SENATE BILL NO. 244**

As Amended by House Committee of the Whole

Brief*

House Sub. for SB 244, as amended, would create law requiring the designation of multiple-occupancy private spaces in public buildings for use by only one sex and create enforcement mechanisms; amend the Help Not Harm Act, Motor Vehicle Drivers' License Act, Women's Bill of Rights, and Uniform Vital Statistics Act to define the term "gender"; declare certain birth certificates and driver's licenses to be invalid; and require correction of gender identification markers on licenses and birth certificates where necessary. The bill would become effective upon publication in the *Kansas Register*.

Multiple-Occupancy Private Spaces

Definitions

"Multiple-occupancy private space" would mean a facility designed or designated for simultaneous use by more than one individual and in which an individual may be in a state of undress in the presence of another individual, regardless of whether the facility provides curtains or partial walls for privacy. The term would include, but not be limited to, a restroom, locker room, changing room, or shower room.

"Public building" would mean a building owned or leased by a governmental entity, but would not include a building that is owned by a governmental entity that is leased to a private

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

entity, whether for profit or not for profit, if the lease agreement for such building was in force and effect on the effective date of the bill.

“Single-occupancy private space” would mean a facility designed or designated for use by only one individual at a time and in which the individual may be in a state of undress, and would include, but not be limited to, a single toilet restroom with a locking door that is designed or designated as unisex or a family restroom or changing room.

The bill would also define the terms “female,” “male,” and “sex” to have the same meaning as in KSA 2025 Supp. 77-207 and “governmental entity” to have the same meaning as in the Kansas Tort Claims Act.

Requirements of Governing Bodies or Chief Administrative Officers

The bill would require the governing body or chief administrative officer of each public building in the state to designate each multiple-occupancy private space in such building for use only by individuals of one sex. The bill also would require such governing body or chief administrative officer to take every reasonable step to ensure an individual does not enter a multi-occupancy private space that is designated for use only by individuals of the opposite sex.

The bill would specify the above requirements could not be construed to prohibit a governing body or chief administrative officer from adopting a policy in accordance with the Americans with Disabilities Act for individuals who require assistance when using a multiple-occupancy space or establishing a single-occupancy private space.

Exceptions

The bill would provide that an individual may enter a multiple-occupancy private space designated for individuals of the opposite sex for the following reasons:

- For custodial reasons;
- For maintenance or inspection purposes;
- To render medical or other emergency assistance;
- To accompany and provide assistance to an individual who needs assistance using the facility;
- For law enforcement purposes;
- To render assistance necessary in preventing a serious threat to proper order or safety; or
- To provide coaching or athletic training during athletic events, provided such individual is a member of the coaching or athletic training staff and such individual ensures that no individual of the opposite sex is in a state of undress prior to entering such multiple-occupancy private space.

The bill would also provide an exception for a child who is under 9 years of age if accompanied by an individual caring for such child.

Governmental Entity Violations

Complaint. The bill would authorize a person to file a complaint with the Attorney General against a governmental entity (entity) for a multiple-occupancy violation if:

- Such person provides the entity with written notice describing the violation; and
- The governing body or chief administrative officer does not cure the violation by the end of the third business day after the date of receipt of the notice.

The bill would require each complaint to include a copy of the written notice provided to the entity and the complainant's affidavit alleging the violation.

Penalty. An entity that violates the multiple-occupancy provisions of the bill would be liable for a civil penalty of \$25,000 for the first violation and a penalty of \$125,000 for each subsequent violation, with each day of a continuing violation constituting a separate violation.

Entity investigation. Before bringing an action against an entity for a multiple-occupancy violation, the Attorney General would be required to investigate the filed complaint to determine whether legal action is warranted.

The entity subject to the complaint would be required to provide the Attorney General any requested information in connection with the investigation of the complaint, including, but not limited to:

- Supporting documents related to the complaint; and
- A statement on whether the entity has complied or intends to comply with the multiple-occupancy provisions of the bill.

Entity legal action. If the Attorney General determines that legal action is warranted, the Attorney General would be required to provide written notice to the entity that:

- Describes the violation and location of the multiple-occupancy private space found to be in violation;
- The amount of the proposed penalty for the violation; and
- Notice that the penalty may be avoided by curing the violation on or before the 15th day after receipt of the Attorney General's notice.

If a violation is not cured by the deadline, the Attorney General would be authorized to bring an action to assess the civil penalty provided by the bill.

Individual Violations

The bill would make it a violation for an individual to enter a multiple-occupancy private space designated for use only by individuals of the opposite sex, except as otherwise permitted by the bill.

Individual violation investigation and notice. Upon receipt of the complaint that an individual violated the provisions of the bill, the entity's governing body or chief administrative officer would be required to investigate the allegations and, upon finding that the violation occurred, the bill would require written notice of such violation be provided to that individual.

The bill would require the notice to include:

- The date and location of the multiple-occupancy private space where the violation occurred;
- A statement that repeated violations may result in fines or criminal charges; and
- The procedure to administratively appeal the violation finding.

Individual violation penalty. Any person who is found to have committed a second violation after having been found to have violated the multiple-occupation provisions previously would be liable for a civil penalty of \$1,000. A third or subsequent violation would be penalized as a Class B misdemeanor. For a violation occurring in a state building, the Attorney General would be authorized to bring an action to assess the penalty. For a violation occurring in a municipal building, the county or district attorney for the county where

the violation occurred would be authorized to bring an action to assess the penalty.

Civil Cause of Action

The bill would allow persons to bring a civil cause of action if they are aggrieved by the invasion of their own personal privacy or are otherwise harmed by an individual's violation of the bill's multiple-occupancy provisions. The plaintiff would be authorized to seek either actual damages or liquidated damages in the amount of \$1,000, as well as declaratory and injunctive relief.

Affirmative defense. The bill would authorize an affirmative defense by defendants who did not know that the multiple-occupancy private space was designated for use only by persons of the opposite sex to that of the defendant.

Time limitations. The bill would require all civil actions brought under its provisions to be commenced within two years of the occurrence of the violation.

Costs. The bill would state the prevailing party shall recover reasonable attorney fees and costs.

Deposit of Civil Penalties

Under the bill, the Attorney General would be required to deposit any civil penalty collected to the credit of the Crime Victims Compensation Fund.

A county or district attorney who has collected a civil penalty under the bill's provisions would be required to deposit the funds in the general fund of the county where the action was brought.

Gender Definitions and Identification Documents

The Women's Bill of Rights (codified at KSA 77-207) currently provides, in part, with respect to the application of an individual's biological sex pursuant to any state law or rules and regulations, an individual's "sex" means such individual's biological sex, either male or female, at birth. The bill would amend this definition to define "gender" as also meaning biological sex at birth.

The Women's Bill of Rights would also be amended to specify that any public entity that collects vital statistics for the purpose of complying with anti-discrimination laws or for the purpose of gathering accurate data shall only identify each individual who is part of the collected data set as either male or female at birth.

The bill would also add a definition of "gender" within the Motor Vehicle Drivers' License Act to mean the same as defined by the bill.

The bill would also remove the definition of "gender" and amend the definition of "sex" in the Help Not Harm Act to conform with the bill's definition in the Women's Bill of Rights.

Birth Certificates

The bill would amend the Uniform Vital Statistics Act to invalidate any birth certificate issued before July 1, 2026, that identifies the sex of the individual on the certificate contrary to the definition of such term as defined by the bill.

The bill would also require the State Registrar to correct any birth certificate records identifying the individual's sex contrary to the definition. These provisions would be part of and supplemental to the Uniform Vital Statistics Act.

Driver's Licenses

The bill would render any driver's license issued prior to July 1, 2026, that identifies the gender of the individual on the license in a manner contrary to the bill's definition of gender as invalid.

The bill would also require the Director of Vehicles (Director) to correct any driver's license records in which the gender is identified contrary to the bill's definition. Such correction would require the Director to send written notice to each affected individual notifying the individual that the license is invalid and must be surrendered to the Division of Vehicles, Kansas Department of Revenue. Upon surrender, the Director would be required to issue a new license to the individual with the correct gender identification.

Severability

The bill would declare its provisions severable, meaning that any provision of the bill or application to any person or circumstance that is held to be unconstitutional or invalid would not affect the validity of any remaining provisions or the applicability of such provisions to any person or circumstance.

Background

The House Committee on Judiciary recommended a substitute bill incorporating provisions pertaining to multiple-occupancy private spaces and the definition of gender for gender marker purposes (amended provisions of HB 2426). The original provisions of the bill were removed.

[*Note:* SB 244, as recommended by the Senate Committee on Judiciary and passed by the Senate, would have prohibited a compensated surety from making loans for

the purpose of financing the minimum appearance bond premium. Those provisions became law in 2025 SB 186.]

HB 2426 (Multi-occupancy Private Spaces and Gender Markers)

HB 2426 was pre-filed for introduction by Representative Humphries on January 9, 2026.

House Committee on Judiciary

In the House Committee hearing, **proponent** testimony was provided by the Attorney General; representatives of Do No Harm Action, Kansas Bureau of Investigation, and Kansas Catholic Conference; and a private citizen. The proponents generally stated the bill would restore legislative intent of 2023 SB 180, provide legal clarity, and assist with appropriate medical treatment based on sex.

Written-only proponent testimony was provided by representatives of Johnson County Voter Information and Kansas Family Voice, a Leavenworth County Commissioner, and a private citizen.

Opponent testimony was provided by representatives of Equality Kansas and Loud Light Civic Action and by four private citizens. The opponents generally stated the bill would restrict the freedom of transgender Kansans and impose costs related to the replacement of corrected licenses and certificates.

Written-only opponent testimony was provided by representatives of the American Civil Liberties Union of Kansas, Boots on the Ground Midwest, Carlisle Counseling, LLC, Johnson County Young Democrats, Just-As-You-Are Rainbow Sanctuary, Kansas Interfaith Action, Kansas Oklahoma Conference of the United Church of Christ, LGBTQ Foundation of Kansas, PFLAG, PFLAG Lawrence,

and Planned Parenthood Great Plains Votes, and by 203 private citizens.

No other testimony was provided.

The House Committee adopted amendments to make the bill effective upon publication in the *Kansas Register* and to require the designation of multiple-occupancy private spaces in public buildings for use by only one sex.

House Committee of the Whole

The House Committee of the Whole amended the bill to:

- Insert a severability clause; and
- Lower the age by which accompanied children may enter multi-occupancy private spaces designated for persons of the opposite sex from under 12 years of age to under 9 years of age.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on HB 2426, as introduced, the Kansas Department of Health and Environment indicates enactment of the bill would increase expenditures by \$7,309 in FY 2027 for the costs related to the Office of Vital Statistics reviewing and potentially correcting any previously issued birth certificates where the current sex on the record is different than the sex identified at birth. The agency reports that the increase could be handled within existing resources.

The Kansas Department of Revenue estimates that enactment of the bill would require the reissuance of driver's licenses for approximately 1,700 individuals. The cost of mailing notices would be \$1,190, using the cost of \$0.70 per letter. Developer costs to create the letters, images, and folders are estimated at \$2,200. If the State were to cover the

cost for the licenses to be reissued, the cost would be approximately \$26 per individual for a total cost of \$44,200. The total cost would be \$47,590 if the reissuance costs were covered by the State and would be \$3,390 if these costs were not covered.

The Office of Judicial Administration (OJA) states enactment of the bill could result in litigation challenging the law and amendments. OJA estimates enactment of the bill would have a negligible fiscal effect on expenditures and revenues for the Judicial Branch and revenues to the State General Fund; however, a total fiscal effect cannot be estimated.

The Office of the Attorney General reports that continued litigation would be likely as this bill addresses and clarifies a previously enacted statute that is currently the subject of litigation. The agency is unable to estimate a fiscal effect, but anticipates that any increased expenditures could be handled within existing resources.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2027 Governor's Budget Report*.

Biological sex; birth certificates; changing room; driver's licenses; gender; Help Not Harm Act; locker room; motor vehicles; multi-occupancy private space; public building; restroom; shower room; Women's Bill of Rights; severability