SENATE BILL No. 215

DIGEST OF INTRODUCED BILL

Citations Affected: IC 1-1-4-5; IC 4-1-15; IC 9-24; IC 11-8; IC 16-37; IC 20-33; IC 21-39-10; IC 24-4-27; IC 34-12-6; IC 34-13-3-3; IC 35-43-2-2; IC 36-2-13-20.

Synopsis: Gender matters. Defines "sex" and "gender" for purposes of the Indiana Code. States that the definitions of "sex" and "gender" are meant to be synonymous in the Indiana Code unless specifically defined otherwise and is clarifying language. Sets forth requirements of a short form birth certificate and a long form birth certificate. Specifies when a short form birth certificate may be amended. Requires the Indiana department of health to: (1) update the definition of "sex" used by the agencies; (2) identify birth certificates issued with a change in sex classification by court order; (3) change the sex on the birth certificate back to the originating sex and reissue the birth certificate; and (4) void the superseded document. Allows for the sharing of certain information among specified agencies for the purpose of reissuing a birth certificate. Requires public buildings, certain schools, state educational institutions, and certain businesses to designate multiple occupancy restrooms or changing areas for the exclusive use of the male sex or the exclusive use of the female sex and provides, with exceptions, that an individual may only use a multiple occupancy restroom or changing area designated for the individual's sex. Provides specified remedies for a violation of these requirements, including criminal penalties or civil actions. Provides that a school may not promote or encourage the use of, or require, compel, or coerce a student, an employee of the school, or a staff member of the school to use: (1) a pronoun, title, or other word to identify a student, school employee, or other individual that is inconsistent with the student's, employee's, or individual's biological sex; or (2) a name or nickname to identify a student that is inconsistent with the student's name on the

(Continued next page)

Effective: Upon passage; July 1, 2026.

Byrne, Charbonneau, Garten

January 8, 2026, read first time and referred to Committee on Health and Provider Services.

student's birth certificate. Creates an exception. Prohibits the department of correction (department) and each county jail from housing incarcerated individuals in a facility that does not align with the incarcerated individual's sex. Creates a civil cause of action for the department's or a county jail's failure to comply with the prohibition.

Introduced

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

SENATE BILL No. 215

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 1-1-4-5, AS AMENDED BY P.L.238-2025, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The following definitions apply to the construction of all Indiana statutes, unless the construction is plainly repugnant to the intent of the general assembly or of the context of the statute:

(1) "Adult", "of full age", and "person in his majority" mean a person at least eighteen (18) years of age.

(2) "Attorney" includes a counselor or other person authorized to appear and represent a party in an action or special proceeding.

(3) "Autism" means a neurological condition as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

(4) "Bond" does not necessarily imply a seal.

(5) "Clerk" means the clerk of the court or a person authorized to

perform the clerk's duties.

(6) "Health record", "hospital record", or "medical record" means written or printed information possessed by a provider (as defined in IC 16-18-2-295) concerning any diagnosis, treatment, or prognosis of the patient, unless otherwise defined. Except as otherwise provided, the terms include mental health records and drug and alcohol abuse records.

(7) "Highway" includes county bridges and state and county roads, unless otherwise expressly provided.

(8) "Infant" or "minor" means a person less than eighteen (18) years of age.

(9) "Inhabitant" may be construed to mean a resident in any place.

(10) "Judgment" means all final orders, decrees, and determinations in an action and all orders upon which executions may issue.

(11) "Land", "real estate", and "real property" include lands, tenements, and hereditaments.

(12) "Mentally incompetent" means of unsound mind.

(13) "Money demands on contract", when used in reference to an action, means an action arising out of contract when the relief demanded is a recovery of money.

(14) "Month" means a calendar month, unless otherwise expressed.

(15) "Noncode statute" means a statute that is not codified as part of the Indiana Code.

(16) "Oath" includes "affirmation", and "to swear" includes to "affirm".

(17) "Person" extends to bodies politic and corporate.

(18) "Personal property" includes goods, chattels, evidences of debt, and things in action.

(19) "Population" has the meaning set forth in IC 1-1-3.5-3.

(20) "Preceding" and "following", referring to sections in statutes, mean the sections next preceding or next following that in which the words occur, unless some other section is designated.

(21) "Property" includes personal and real property.

(22) "Sex" and "gender" mean the biological classification of male or female in the context of reproductive potential or capacity, which is determined by sex genes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience. These terms are to be considered synonymous. This definition

is presumptive throughout the Indiana Code unless an alternative definition is clearly stated.

~~(22)~~ **(23)** "Sheriff" means the sheriff of the county or another person authorized to perform sheriff's duties.

~~(23)~~ **(24)** "State", applied to any one (1) of the United States, includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories. "United States" includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories.

~~(24)~~ **(25)** "Under legal disabilities" includes persons less than eighteen (18) years of age, mentally incompetent, or out of the United States.

~~(25)~~ **(26)** "Verified", when applied to pleadings, means supported by oath or affirmation in writing.

~~(26)~~ **(27)** "Will" includes a testament and codicil.

~~(27)~~ **(28)** "Without relief" in any judgment, contract, execution, or other instrument of writing or record, means without the benefit of valuation laws.

~~(28)~~ **(29)** "Written" and "in writing" include printing, lithographing, or other mode of representing words and letters. If the written signature of a person is required, the terms mean the proper handwriting of the person or the person's mark.

~~(29)~~ **(30)** "Year" means a calendar year, unless otherwise expressed.

~~(30)~~ **(31)** The definitions in IC 35-31.5 apply to all statutes relating to penal offenses.

(b) This subsection applies to the definitions of "Hoosier veteran" and "veteran" when used in reference to state programs for veterans. The term "veteran" includes "Hoosier veteran", and applies to the construction of all Indiana statutes, unless the construction is expressly excluded by the terms of the statute, is plainly repugnant to the intent of the general assembly or of the context of the statute, or is inconsistent with federal law. "Hoosier veteran" means an individual who meets the following criteria:

(1) The individual is a resident of Indiana.

(2) The individual served in an active or reserve component of the armed forces of the United States or the Indiana National Guard.

(3) The individual completed any required military occupational specialty training and was not discharged or separated from the armed forces or the Indiana National Guard under conditions other than conditions set forth in IC 10-17-12-7.5(2).

The definitions set forth in this subsection may not be construed to affect a Hoosier veteran's eligibility for any state program that is based upon a particular aspect of the Hoosier veteran's service such as a disability or a wartime service requirement.

SECTION 2. IC 4-1-15 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 15. Physical Privacy of Hoosiers

Sec. 1. (a) As used in this chapter, "multiple occupancy restroom or changing area" means a room or area in a public building that may be used by more than one (1) individual at a time and in which individuals may be in various stages of undress in the presence of other individuals.

(b) The term includes a restroom, locker room, changing room, and shower room.

(c) The term does not include a single occupancy restroom, locker room, changing room, or shower room.

Sec. 2. (a) As used in this chapter, "public building" means a structure or part of a structure owned or leased by:

(1) the state government;

(2) a county government;

(3) the government of a city, town, or township;

(4) a political subdivision; or

(5) an instrumentality of the state;

that is generally open to members of the public with or without the payment of an admission fee or membership dues.

(b) The term does not include a:

(1) correctional facility (as defined in IC 11-8-11-1);

(2) county jail;

(3) school (as defined in IC 20-33-14-2); or

(4) state educational institution.

Sec. 3. A governmental entity subject to this chapter shall designate each multiple occupancy restroom or changing area in a public building as follows:

(1) For the exclusive use of the male sex.

(2) For the exclusive use of the female sex.

Sec. 4. (a) Subject to subsection (b), an individual may only use a multiple occupancy restroom or changing area that is designated for the sex that is the individual's sex (as defined in IC 1-1-4-5(a)(22)).

(b) An individual does not violate subsection (a) if the:

(1) multiple occupancy restroom or changing area has been

temporarily designated for use by the opposite sex; or

(2) individual is entering a multiple occupancy restroom or changing area for one (1) or more of the following reasons:

(A) For custodial, maintenance, or inspection purposes.

(B) To render medical or emergency assistance.

(C) To accompany an individual needing assistance if the individual assisting the individual needing assistance is:

(i) an employee or other staff of the governmental entity for the public building; or

(ii) the individual's parent or caregiver.

Sec. 5. (a) A governmental entity subject to this chapter shall take reasonable steps to prohibit an individual from using a multiple occupancy restroom or changing area designated for the opposite sex in violation of section 4 of this chapter.

(b) A governmental entity that fails to take reasonable steps under subsection (a) violates this chapter.

(c) A governmental entity's compliance with section 3 of this chapter does not, by itself, satisfy the duty imposed under subsection (a).

Sec. 6. An individual who violates section 4 of this chapter and refuses to leave the multiple occupancy restroom or changing area when asked to do so by:

(1) an employee of the governmental entity that leases or owns the public building; or

(2) a law enforcement officer;

commits criminal trespass under IC 35-43-2-2(b)(13).

Sec. 7. Beginning July 1, 2027, in addition to any civil action filed by a taxpayer under section 8 of this chapter, the attorney general may file an action for mandate to compel compliance with this chapter.

Sec. 8. (a) Beginning July 1, 2027, any taxpayer of a governmental entity subject to this chapter that fails to comply with this chapter may file a civil action against the governmental entity for each violation of this chapter.

(b) The court may award to a taxpayer who prevails in an action under this section any of the following:

(1) Injunctive relief.

(2) The greater of:

(A) actual and consequential damages resulting from the violation; or

(B) liquidated damages of not more than ten thousand dollars ($10,000).

(3) Costs and reasonable attorney's fees.

(4) Any other appropriate relief determined by the court.

Sec. 9. It is not a defense to a civil action brought in state court under this chapter that a federal district court or the United States Court of Appeals for the Seventh Circuit has:

(1) declared any provision or application of this chapter unconstitutional; or

(2) enjoined or restrained any state official from bringing prosecutions under this chapter.

Sec. 10. (a) Notwithstanding any other law, any person, including an attorney or a law firm that seeks declaratory or injunctive relief to prevent a governmental entity or person from enforcing or bringing an action to enforce this chapter, is jointly and severally liable to pay the costs and reasonable attorney's fees of the prevailing party, including the costs and reasonable attorney's fees the prevailing party incurs in its efforts to recover costs and fees.

(b) For purposes of this section, a party is a prevailing party if:

(1) a court dismisses a claim or cause of action brought against the party by a litigant that seeks declaratory or injunctive relief under subsection (a), regardless of the reason for the dismissal;

(2) a court enters judgment in the party's favor on a claim or cause of action; or

(3) the litigant that seeks declaratory or injunctive relief under subsection (a) voluntarily dismisses a claim or cause of action.

(c) Regardless of whether a prevailing party sought to recover costs or attorney's fees in the underlying action, a prevailing party under this section may bring a civil action to recover costs and attorney's fees against a person, including an attorney or a law firm that sought declaratory or injunctive relief described in subsection (a), not later than two (2) years after the judgment becomes final.

(d) It is not a defense to an action brought under subsection (c) that:

(1) a prevailing party failed to seek recovery of costs or attorney's fees in the underlying action;

(2) the court in the underlying action declined to recognize or enforce this section;

(3) the court in the underlying action held that any provisions of this section are invalid, unconstitutional, or preempted by

federal law, notwithstanding the doctrine of issue or claim preclusion; or

(4) the court is a federal court.

(e) If a civil action is brought under subsection (c), the action may not be transferred to a different venue without the written consent of all parties.

(f) Notwithstanding any other law, IC 34-7-7 and IC 34-13-9 do not apply to an action brought under subsection (c).

Sec. 11. A governmental entity or an officer or employee of a governmental entity is immune from any action, claim, counterclaim, or other legal or equal action that:

(1) challenges the validity of any provision in this chapter; or

(2) seeks to prevent enforcement of this chapter;

in accordance with IC 34-13-3-3.

Sec. 12. This chapter may not be construed to prevent a litigant from asserting the invalidity or unconstitutionality of a provision of application of this chapter as a defense to an action, claim, or counterclaim brought against the litigant.

Sec. 13. The provisions of this chapter are severable as provided in IC 1-1-1-8(b).

SECTION 3. IC 9-24-11-5, AS AMENDED BY P.L.141-2024, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (d), a learner's permit or driver's license issued under this article must contain the following information:

(1) The full legal name of the permittee or licensee.

(2) The date of birth of the permittee or licensee.

(3) The address of the principal residence of the permittee or licensee.

(4) The hair color and eye color of the permittee or licensee.

(5) The date of issue and expiration date of the permit or license.

(6) The gender **(as defined in IC 1-1-4-5(a)(22))** of the permittee or licensee.

(7) The unique identifying number of the permit or license.

(8) The weight of the permittee or licensee.

(9) The height of the permittee or licensee.

(10) A reproduction of the signature of the permittee or licensee.

(11) If the permittee or licensee is less than eighteen (18) years of age at the time of issuance, the dates, notated prominently, on which the permittee or licensee will become:

(A) eighteen (18) years of age; and

(B) twenty-one (21) years of age.

(12) If the permittee or licensee is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date, notated prominently, on which the permittee or licensee will become twenty-one (21) years of age.

(13) Except as provided in subsection (b), a digital photograph of the permittee or licensee.

(b) The bureau may provide for the omission of a photograph or computerized image from any driver's license or learner's permit issued in the form of a physical credential if there is good cause for the omission. However, a driver's license or learner's permit issued without a digital photograph may not be issued in the form of a mobile credential and must include a statement that indicates that the driver's license or learner's permit issued without a digital photograph may not be accepted by a federal agency for federal identification or any other federal purpose.

(c) A driver's license or learner's permit issued to an individual who has temporary lawful status as indicated by:

(1) a valid, unexpired nonimmigrant visa or has nonimmigrant visa status for entry in the United States;

(2) a pending application for asylum in the United States;

(3) a pending or approved application for temporary protected status in the United States;

(4) having an approved deferred action status; or

(5) a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent residence status in the United States;

must be clearly identified as a temporary driver's license or learner's permit. A temporary driver's license or learner's permit issued under this subsection may not be renewed without the presentation of valid documentary evidence proving that the licensee's or permittee's temporary status has been extended.

(d) For purposes of subsection (a), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the address of the individual's principal residence, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the address of the individual's principal residence.

SECTION 4. IC 9-24-13-4, AS AMENDED BY P.L.211-2023, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a)** If:

(1) an individual holding a driver's license or permit issued in the

form of a physical credential under this article changes the address shown on the driver's license or permit application; or

(2) the name of a licensee or permittee is changed by marriage or otherwise;

the licensee or permittee shall make application for an amended driver's license or permit issued in the form of a physical credential under IC 9-24-9 containing the correct information within thirty (30) days of the change. For fee purposes, the application shall be treated as a replacement license under IC 9-24-14-1.

(b) The gender designation on the driver's license or permit may not be amended except due to clerical error.

SECTION 5. IC 11-8-8-4.5, AS AMENDED BY P.L.218-2025, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).

(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:

(A) the person is convicted of sexual misconduct with a minor as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);

(B) the person is not more than:

(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or

(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

(C) the sentencing court finds that the person should not be required to register as a sex offender.

(9) Incest (IC 35-46-1-3).

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen

(18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.

(13) Possession of child sex abuse material (IC 35-42-4-4(d) or IC 35-42-4-4(e)).

(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).

(15) Promotion of human sexual trafficking under IC 35-42-3.5-1.1.

(16) Promotion of child sexual trafficking under IC 35-42-3.5-1.2(a).

(17) Promotion of sexual trafficking of a younger child (IC 35-42-3.5-1.2(c)).

(18) Child sexual trafficking (IC 35-42-3.5-1.3).

(19) Human trafficking under IC 35-42-3.5-1.4 if the victim is less than eighteen (18) years of age.

(20) Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).

(21) Criminal trespass in a public building's multiple occupancy restroom or changing area (IC 35-43-2-2(i)).

(b) The term includes:

(1) a person who is required to register as a sex offender in any jurisdiction; and

(2) a child who has committed a delinquent act, or a person prosecuted under IC 31-30-1-4(d) for an offense described in subsection (a) committed when the person was less than eighteen (18) years of age, but who was at least twenty-one (21) years of age when the charge was filed, and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court

shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(d) A person ordered to register under subsection (b)(2) may petition the court to reconsider the order at any time after completing court ordered sex offender treatment. The court shall consider expert testimony concerning whether a child or person is likely to repeat an offense described in subsection (a) or an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 6. IC 11-8-11 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 11. Physical Privacy in Correctional Facilities

Sec. 1. As used in this chapter, "correctional facility" means a penal institution under the control of the department.

Sec. 2. Notwithstanding any other law, a committed person may not be housed in a correctional facility that does not align with the committed person's sex (as defined in IC 1-1-4-5(a)(22)).

Sec. 3. (a) Beginning July 1, 2027, in addition to any civil action filed by a taxpayer under section 4 of this chapter, the attorney general may file a civil action to petition a court with jurisdiction to impose a civil penalty of up to ten thousand dollars ($10,000) against a superintendent of a correctional facility for each violation of this chapter committed by a correctional facility, for which the superintendent shall be personally liable. The attorney general shall transfer all civil penalties collected under this chapter to the treasurer of state for deposit in the state general fund.

(c) The attorney general may file an action for mandate to compel compliance with this chapter.

Sec. 4. (a) Beginning July 1, 2027, an Indiana taxpayer may file a civil action against a correctional facility for each violation of this chapter.

(b) The court may award to a taxpayer who prevails in an action under this section any of the following:

(1) Injunctive relief.

(2) The greater of:

(A) actual and consequential damages resulting from the violation; or

(B) liquidated damages of not more than one thousand dollars ($1,000).

(3) Costs and reasonable attorney's fees.

(4) Any other appropriate relief determined by the court.

Sec. 5. It is not a defense to a civil action brought in state court under this chapter that a federal district court or the United States Court of Appeals for the Seventh Circuit has:

(1) declared any provision or application of this chapter unconstitutional; or

(2) enjoined or restrained any state official from bringing prosecutions under this chapter.

Sec. 6. (a) Notwithstanding any other law, any person, including an attorney or a law firm that seeks declaratory or injunctive relief to prevent a governmental entity or person from enforcing or bringing an action to enforce this chapter, is jointly and severally liable to pay the costs and reasonable attorney's fees of the prevailing party, including the costs and reasonable attorney's fees the prevailing party incurs in its efforts to recover costs and fees.

(b) For purposes of this section, a party is a prevailing party if:

(1) a court dismisses a claim or cause of action brought against the party by a litigant that seeks declaratory or injunctive relief under subsection (a), regardless of the reason for the dismissal;

(2) a court enters judgment in the party's favor on a claim or cause of action; or

(3) the litigant that seeks declaratory or injunctive relief under subsection (a) voluntarily dismisses a claim or cause of action.

(c) Regardless of whether a prevailing party sought to recover costs or attorney's fees in the underlying action, a prevailing party under this section may bring a civil action to recover costs and attorney's fees against a person, including an attorney or a law firm that sought declaratory or injunctive relief described in subsection (a), not later than two (2) years after the judgment becomes final.

(d) It is not a defense to an action brought under subsection (c) that:

(1) a prevailing party failed to seek recovery of costs or attorney's fees in the underlying action;

(2) the court in the underlying action declined to recognize or enforce this section;

(3) the court in the underlying action held that any provisions of this section are invalid, unconstitutional, or preempted by federal law, notwithstanding the doctrine of issue or claim preclusion; or

(4) the court is a federal court.

(e) If a civil action is brought under subsection (c), the action may not be transferred to a different venue without the written consent of all parties.

(f) Notwithstanding any other law, IC 34-7-7 and IC 34-13-9 do not apply to an action brought under subsection (c).

Sec. 7. A governmental entity or an officer or employee of a governmental entity is immune from any action, claim, counterclaim, or other legal or equal action that:

(1) challenges the validity of any provision in this chapter; or

(2) seeks to prevent enforcement of this chapter;

in accordance with IC 34-13-3-3.

Sec. 8. This chapter may not be construed to prevent a litigant from asserting the invalidity or unconstitutionality of a provision of application of this chapter as a defense to an action, claim, or counterclaim brought against the litigant.

Sec. 9. The provisions of this chapter are severable as provided in IC 1-1-1-8(b).

SECTION 7. IC 16-37-1-7.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.2. (a) The state department shall establish the following two (2) forms for certificates of birth:**

(1) A short form birth certificate.

(2) A long form birth certificate.

(b) A short form birth certificate must meet the following requirements:

(1) Created on 8.5 by 5.5 inch paper.

(2) Include the following information concerning the child:

(A) Name.

(B) Sex (as defined in IC 1-1-4-5(a)(22)).

(C) Date of birth.

(D) Place of birth.

(E) Name of birth parents, if known.

(F) Birthplace of parents.

(3) Include the following additional information:

(A) The filing date of the certificate.

(B) The name of the local health officer of state registrar.

(C) The issuing date of the certificate.

(D) The name of the county health department that issued the birth certificate.

(E) The state seal.

(c) A short form birth certificate may only be amended or altered due to the following:

(1) A clerical error.

(2) A DNA test that either:

(A) proves paternity or sets aside a paternity affidavit, as described in IC 16-37-2-2.1; or

(B) identifies the misidentified sex of the child as described in IC 16-37-2-10.

(3) The establishment of paternity outside of a DNA test, in accordance with IC 16-37-2-2.1.

(4) An order issued by a court requiring the state department to change paternity on a birth certificate.

(5) Identification of a child, as set forth in IC 16-37-2-12.

(6) The marriage of the parents, as set forth in IC 16-37-2-16.

(7) An adoption, as set forth in IC 31-19-13.

The state department must document any change made under this subsection on the short form birth certificate by clearly designating on the form that an amendment has been made.

(d) A long form birth certificate must meet the following requirements:

(1) Created on 8.5 by 11 inch paper.

(2) Include the following information concerning the child:

(A) Name.

(B) Sex (as defined in IC 1-1-4-5(a)(22)).

(C) Date of birth.

(D) Time of birth.

(E) Place or facility of birth.

(F) Full legal name of parents at the time of birth.

(G) Parent's name before first marriage.

(H) Parent's date of birth.

(I) Parent's residence state and address.

(J) Parent's birthplace.

(3) Include the following additional information:

(A) Birth attendant's name.

(B) Date the birth was certified.

(C) Name of the individual certifying the certificate.

(D) Attendant's name, title, and address.

(E) Date filed by the health officer.

(F) The issuing authority.

(G) A warning that the document may not be reproduced.

(e) A long form birth certificate may not be amended or altered. If an amendment or alteration to the short form birth certificate is made under subsection (c), the long form birth certificate is no longer valid and converts to a historical document. A long form

birth certificate may only be used internally by the state department.

SECTION 8. IC 16-37-1-8, AS AMENDED BY P.L.33-2025, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Except as provided in section 7.5 of this chapter and subsection (d), a local health officer shall provide a certification of birth, death, or stillbirth registration upon request by any person only if:

(1) the health officer is satisfied that the applicant has a direct interest in the matter;

(2) the health officer determines that the certificate is necessary for the determination of personal or property rights or for compliance with state or federal law; and

(3) the applicant for a birth certificate presents at least one (1) form of identification.

However, the local health officer must issue a **short form birth** certificate of an applicant's own birth registration.

(b) A local health officer's decision whether or not to issue a certified copy of a **short form** birth certificate is subject to review by a court.

(c) A local health officer may issue a certification of birth, death, or stillbirth from the electronic registration systems in section 3.1 of this chapter, regardless of the location of the filing of the record.

(d) A local health officer may not issue a copy of a **short form** birth certificate of a missing child to which a notice has been attached under IC 10-13-5-11 without the authorization of the Indiana clearinghouse for information on missing children, missing veterans at risk, and missing endangered adults.

(e) Upon determination that a person may be provided a certification of death under subsection (a), the local health officer shall provide to the person a certification of death that excludes information concerning the cause of death if the person requests the exclusion of this information.

SECTION 9. IC 16-37-2-9, AS AMENDED BY P.L.138-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The local health officer shall make a permanent record of the following from a birth certificate:

(1) Name.

(2) Sex **(as defined in IC 1-1-4-5(a)(22)).**

(3) Date of birth.

(4) Place of birth.

(5) Name of the parents.

(6) Birthplace of the parents.

(7) The date of filing of the certificate of birth.

(8) The person in attendance at the birth.

(9) Location of the birth, including whether the birth occurred at a hospital, licensed health care facility, home, or other non-health care facility.

(b) Except as provided in subsection (c), the permanent record shall be open to public inspection. Upon request by an individual, a paper copy of the permanent record in subsection (a) must be provided by the local health officer.

(c) The birth record of an adopted child remains subject to the confidentiality provisions of IC 31-19 regarding the release of adoption information.

(d) The permanent record of the information required under this section may be maintained in the Indiana birth registration system (IBRS).

SECTION 10. IC 16-37-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) As used in this section, "DNA test" means an identification process in which the unique genetic code of an individual that is carried by the individual's deoxyribonucleic acid (DNA) is compared with the genetic codes of another individual.

(b) **Except as provided in subsections (d) and (e),** the state department may make additions to or corrections in a certificate of birth on receipt of adequate documentary evidence ~~including the results of a DNA test under subsection (c) or a paternity affidavit executed under section 2.1 of this chapter.~~ **demonstrating an error in the information listed in the certificate of birth.**

(c) The state department may make an addition to a birth certificate **solely for the purposes of paternity** based on the results of a DNA test only if:

(1) a father is not named on the birth certificate; and

(2) a citation to this subsection as the authority for the addition is noted on the birth certificate.

(d) The state department may only make corrections to a birth certificate based on the results of a DNA test that are consistent with the definition of "sex" set forth in IC 1-1-4-5(a)(22).

(e) For purposes of paternity, the state department may make an addition to or correction in a birth certificate based on a paternity affidavit executed under section 2.1 of this chapter or based on the results of a DNA test. The state department may only make the addition if:

(1) a father is not named on the birth certificate or a paternity affidavit is set aside as set forth in section 2.1 of this chapter; and

(2) the state department makes a notation on the birth certificate that references this subsection for the authority of the addition.

SECTION 11. IC 20-33-14 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 14. Physical Privacy of Students

Sec. 1. (a) As used in this chapter, "multiple occupancy restroom or changing area" means a room or area in a school building that may be used by more than one (1) student at a time and in which students may be in various stages of undress in the presence of other individuals.

(b) The term includes a restroom, locker room, changing room, and shower room.

(c) The term does not include a single occupancy restroom, locker room, changing room, or shower room.

Sec. 2. As used in this chapter, "school" means any:

(1) school maintained by a school corporation;

(2) charter school; or

(3) state accredited school;

that provides instruction to students in any combination of kindergarten through grade 12.

Sec. 3. Each school shall designate each multiple occupancy restroom or changing area as follows:

(1) For the exclusive use of the male sex.

(2) For the exclusive use of the female sex.

Sec. 4. (a) Subject to subsection (b), an individual may only use a multiple occupancy restroom or changing area that is designated for the sex that is the individual's sex (as defined in IC 1-1-4-5(a)(22)).

(b) An individual does not violate subsection (a) if the:

(1) multiple occupancy restroom or changing area has been temporarily designated for use by the opposite sex; or

(2) individual is entering a multiple occupancy restroom or changing area for one (1) or more of the following reasons:

(A) For custodial, maintenance, or inspection purposes.

(B) To render medical or emergency assistance.

(C) To accompany a student needing assistance if the individual assisting the student is:

(i) an employee or other staff of the school; or

(ii) the student's parent or caregiver.

Sec. 5. (a) A school shall take reasonable steps to prohibit an individual from using a multiple occupancy restroom or changing area designated for the opposite sex in violation of section 4 of this chapter.

(b) A school that fails to take reasonable steps under subsection (a) violates this chapter.

(c) A school's compliance with sections 3 and 6 of this chapter does not, by itself, satisfy the duty imposed under subsection (a).

Sec. 6. (a) A parent of an unemancipated minor student or a student who is an adult or emancipated minor may submit a grievance to a school corporation or school for a violation of section 3, 4, or 5 of this chapter.

(b) Each school corporation or school shall:

(1) establish and maintain a grievance procedure; or

(2) maintain a grievance or protest procedure that the school corporation or school established before July 1, 2026;

for the resolution of a grievance submitted under this section.

Sec. 7. (a) Notwithstanding IC 34-13-3-3(a), beginning July 1, 2027, if a school corporation or school violates this chapter, a student who is directly or indirectly injured as a result of the violation may bring a civil action against the school corporation or school.

(b) A school corporation or school may not retaliate or otherwise take any adverse action against a student for reporting a violation or bringing a civil action for a violation of this chapter.

Sec. 8. The court shall award to a student who prevails in an action under section 7 of this chapter any of the following:

(1) Injunctive relief.

(2) The greater of:

(A) actual and consequential damages resulting from the violation; or

(B) liquidated damages of not more than one thousand dollars ($1,000).

(3) Costs and reasonable attorney's fees.

(4) Any other appropriate relief determined by the court.

Sec. 9. (a) Beginning July 1, 2027, the department shall bring an administrative action against the superintendent of a school corporation or the equivalent authority of a charter school or state accredited school that violates this chapter.

(b) The attorney general's authority under section 10 of this

chapter is independent of any administrative action under this section.

Sec. 10. (a) Beginning July 1, 2027, in addition to any civil action filed by a student under section 7 of this chapter, the attorney general may file a civil action to petition a court with jurisdiction to impose a civil penalty against the superintendent or the equivalent authority for a charter school or state accredited school of up to ten thousand dollars ($10,000) for each violation of this chapter committed by a school under their control, for which the superintendent or the equivalent authority for a charter school or state accredited school shall be personally liable. The attorney general shall transfer all civil penalties collected under this chapter to the treasurer of state for deposit in the state general fund.

(b) The attorney general may file an action for injunctive or declaratory relief to compel compliance with this chapter.

Sec. 11. It is not a defense to a civil action brought in state court under this chapter that a federal district court or the United States Court of Appeals for the Seventh Circuit has:

(1) declared any provision or application of this chapter unconstitutional; or

(2) enjoined or restrained any state official from bringing prosecutions under this chapter.

Sec. 12. Nothing in this chapter prohibits a school corporation or school from providing a single occupancy restroom, locker room, changing room, or shower room.

Sec. 13. (a) Notwithstanding any other law, any person, including an attorney or a law firm that seeks declaratory or injunctive relief to prevent a governmental entity or person from enforcing or bringing an action to enforce this chapter, is jointly and severally liable to pay the costs and reasonable attorney's fees of the prevailing party, including the costs and reasonable attorney's fees the prevailing party incurs in its efforts to recover costs and fees.

(b) For purposes of this section, a party is a prevailing party if:

(1) a court dismisses a claim or cause of action brought against the party by a litigant that seeks declaratory or injunctive relief under subsection (a), regardless of the reason for the dismissal;

(2) a court enters judgment in the party's favor on a claim or cause of action; or

(3) the litigant that seeks declaratory or injunctive relief under subsection (a) voluntarily dismisses a claim or cause of

action.

(c) Regardless of whether a prevailing party sought to recover costs or attorney's fees in the underlying action, a prevailing party under this section may bring a civil action to recover costs and attorney's fees against a person, including an attorney or a law firm that sought declaratory or injunctive relief described in subsection (a), not later than two (2) years after the judgment becomes final.

(d) It is not a defense to an action brought under subsection (c) that:

(1) a prevailing party failed to seek recovery of costs or attorney's fees in the underlying action;

(2) the court in the underlying action declined to recognize or enforce this section;

(3) the court in the underlying action held that any provisions of this section are invalid, unconstitutional, or preempted by federal law, notwithstanding the doctrine of issue or claim preclusion; or

(4) the court is a federal court.

(e) If a civil action is brought under subsection (c), the action may not be transferred to a different venue without the written consent of all parties.

(f) Notwithstanding any other law, IC 34-7-7 and IC 34-13-9 do not apply to an action brought under subsection (c).

Sec. 14. A governmental entity or an officer or employee of a governmental entity is immune from any action, claim, counterclaim, or other legal or equal action that:

(1) challenges the validity of any provision in this chapter; or

(2) seeks to prevent enforcement of this chapter;

in accordance with IC 34-13-3-3.

Sec. 15. This chapter may not be construed to prevent a litigant from asserting the invalidity or unconstitutionality of a provision of application of this chapter as a defense to an action, claim, or counterclaim brought against the litigant.

Sec. 16. The provisions of this chapter are severable as provided in IC 1-1-1-8(b).

SECTION 12. IC 20-33-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 14.5. Gender Identification

Sec. 1. As used in this chapter, "school" means any of the following:

(1) A public school, including a charter school.

(2) A state accredited school.

(3) A nonaccredited nonpublic school that has at least one (1) employee.

(4) A laboratory school established under IC 20-24.5-2.

(5) The Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1.

(6) The Indiana School for the Deaf established by IC 20-22-2-1.

Sec. 2. Except as provided in section 3 of this chapter, a school may not promote the use of, encourage the use of, or require, compel, or coerce a student, an employee of the school, or a staff member of the school to use:

(1) a pronoun, title, or other word to identify a student, school employee, or other individual that is inconsistent with the student's, employee's, or individual's sex (as defined in IC 1-1-4-5(a)(22); or

(2) a name or nickname to identify a student that is inconsistent with the student's name on the student's birth certificate.

Sec. 3. An employee or a staff member of a school may only use a pronoun, title, name, nickname, or other word described in section 2 of this chapter to identify a student if the student, who is an adult or an emancipated minor, or a parent of the student, who is an unemancipated minor:

(1) requests in writing the use of a specific pronoun, title, name, nickname, or other word to identify the student; and

(2) provides documentation from a health care provider verifying that the student has a sincere, persistent, and consistent belief that requires use of the specific pronoun, title, name, nickname or other word to identify the student.

Sec. 4. Any instruction a school provides concerning sex and gender may not conflict with the definition of sex and gender described in IC 1-1-4-5(a)(22).

Sec. 5. A licensing authority in Indiana may not require:

(1) an employee; or

(2) a staff member;

of a school who holds a license issued by the licensing authority to violate any provision of this chapter as a condition of receiving or renewing the employee's or staff member's license.

SECTION 13. IC 21-39-10 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2026]:

Chapter 10. Physical Privacy of Students

Sec. 1. (a) As used in this chapter, "multiple occupancy restroom or changing area" means a room or area in a state educational institution building that may be used by more than one (1) student at a time and in which students may be in various stages of undress in the presence of other individuals.

(b) The term includes a restroom, locker room, changing room, and shower room.

(c) The term does not include a single occupancy restroom, locker room, changing room, or shower room.

Sec. 2. Each state educational institution shall designate each multiple occupancy restroom or changing area as follows:

(1) For the exclusive use of the male sex.

(2) For the exclusive use of the female sex.

Sec. 3. (a) Subject to subsection (b), an individual may only use a multiple occupancy restroom or changing area that is designated for the sex that is the individual's sex (as defined in IC 1-1-4-5(a)(22)).

(b) An individual does not violate subsection (a) if the:

(1) multiple occupancy restroom or changing area has been temporarily designated for use by the opposite sex;

(2) individual is entering a multiple occupancy restroom or changing area for one (1) or more of the following reasons:

(A) For custodial, maintenance, or inspection purposes.

(B) To render medical or emergency assistance.

(C) To accompany a student needing assistance if the individual assisting the student is:

(i) an employee or other staff of the state educational institution; or

(ii) the student's parent or caregiver; or

(3) individual or student is entering a multiple occupancy restroom or changing area to assist the individual's or student's child.

Sec. 4. (a) A state educational institution shall take reasonable steps to prohibit an individual from using a multiple occupancy restroom or changing area designated for the opposite sex in violation of section 3 of this chapter.

(b) A state educational institution that fails to take reasonable steps under subsection (a) violates this chapter.

(c) A state educational institution's compliance with sections 2 and 5 of this chapter does not, by itself, satisfy the duty imposed

under subsection (a).

Sec. 5. (a) A student may submit a grievance to a state educational institution for a violation of section 2, 3, or 4 of this chapter.

(b) Each state educational institution shall:

(1) establish and maintain a grievance procedure; or

(2) maintain a grievance or protest procedure that the state educational institution established before July 1, 2026;

for the resolution of a grievance submitted under this section.

Sec. 6. (a) Notwithstanding IC 34-13-3-3(a), beginning July 1, 2027, if a state educational institution violates this chapter, a student who is directly or indirectly injured as a result of the violation may bring a civil action against the state educational institution.

(b) A state educational institution may not retaliate or otherwise take any adverse action against a student for reporting a violation or bringing a civil action for a violation of this chapter.

Sec. 7. The court shall award to a student who prevails in an action under section 6 of this chapter any of the following:

(1) Injunctive relief.

(2) The greater of:

(A) actual and consequential damages resulting from the violation; or

(B) liquidated damages of not more than one thousand dollars ($1,000).

(3) Costs and reasonable attorney's fees.

(4) Any other appropriate relief determined by the court.

Sec. 8. (a) Beginning July 1, 2027, the commission shall bring an administrative action against the president of a state educational institution that violates this chapter.

(b) The attorney general's authority under section 9 of this chapter is independent of any administrative action under this section.

Sec. 9. (a) Beginning July 1, 2027, in addition to any civil action filed by a student under section 6 of this chapter, the attorney general may file a civil action to petition a court with jurisdiction to impose a civil penalty against a president of a state educational institution of up to ten thousand dollars ($10,000) for each violation of this chapter committed by a state educational institution under the president of the state educational institution's control, for which the president of the state educational institution shall be personally liable. The attorney general shall transfer all

civil penalties collected under this chapter to the treasurer of state for deposit in the state general fund.

(b) The attorney general may file an action to compel a state educational institution to comply with this chapter.

Sec. 10. It is not a defense to a civil action brought in state court under this chapter that a federal district court or the United States Court of Appeals for the Seventh Circuit has:

(1) declared any provision or application of this chapter unconstitutional; or

(2) enjoined or restrained any state official from bringing prosecutions under this chapter.

Sec. 11. Nothing in this chapter prohibits a state educational institution from providing a single occupancy restroom, locker room, changing room, or shower room.

Sec. 12. (a) Notwithstanding any other law, any person, including an attorney or a law firm that seeks declaratory or injunctive relief to prevent a governmental entity or person from enforcing or bringing an action to enforce this chapter, is jointly and severally liable to pay the costs and reasonable attorney's fees of the prevailing party, including the costs and reasonable attorney's fees the prevailing party incurs in its efforts to recover costs and fees.

(b) For purposes of this section, a party is a prevailing party if:

(1) a court dismisses a claim or cause of action brought against the party by a litigant that seeks declaratory or injunctive relief under subsection (a), regardless of the reason for the dismissal;

(2) a court enters judgment in the party's favor on a claim or cause of action; or

(3) the litigant that seeks declaratory or injunctive relief under subsection (a) voluntarily dismisses a claim or cause of action.

(c) Regardless of whether a prevailing party sought to recover costs or attorney's fees in the underlying action, a prevailing party under this section may bring a civil action to recover costs and attorney's fees against a person, including an attorney or a law firm that sought declaratory or injunctive relief described in subsection (a), not later than two (2) years after the judgment becomes final.

(d) It is not a defense to an action brought under subsection (c) that:

(1) a prevailing party failed to seek recovery of costs or

attorney's fees in the underlying action;

(2) the court in the underlying action declined to recognize or enforce this section;

(3) the court in the underlying action held that any provisions of this section are invalid, unconstitutional, or preempted by federal law, notwithstanding the doctrine of issue or claim preclusion; or

(4) the court is a federal court.

(e) If a civil action is brought under subsection (c), the action may not be transferred to a different venue without the written consent of all parties.

(f) Notwithstanding any other law, IC 34-7-7 and IC 34-13-9 do not apply to an action brought under subsection (c).

Sec. 13. A governmental entity or an officer or employee of a governmental entity is immune from any action, claim, counterclaim, or other legal or equal action that:

(1) challenges the validity of any provision in this chapter; or

(2) seeks to prevent enforcement of this chapter;

in accordance with IC 34-13-3-3.

Sec. 14. This chapter may not be construed to prevent a litigant from asserting the invalidity or unconstitutionality of a provision of application of this chapter as a defense to an action, claim, or counterclaim brought against the litigant.

Sec. 15. The provisions of this chapter are severable as provided in IC 1-1-1-8(b).

SECTION 14. IC 24-4-27 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 27. Physical Privacy in Businesses

Sec. 1. As used in this chapter, "business" means an entity that:

(1) registers with the secretary of state to do business in Indiana in accordance with the procedures described in IC 23; and

(2) has a multiple occupancy restroom or changing area on the entity's premises in Indiana.

Sec. 2. As used in this chapter, "multiple occupancy restroom or changing area" means a room or area in a business that may be used by more than one (1) individual at a time and in which individuals may be in various stages of undress in the presence of other individuals.

(b) The term includes a restroom, locker room, changing room, and shower room.

(c) The term does not include a single occupancy restroom, locker room, changing room, or shower room.

Sec. 3. Each business shall designate each multiple occupancy restroom or changing area as follows:

(1) For the exclusive use of the male sex.

(2) For the exclusive use of the female sex.

Sec. 4. (a) Subject to subsection (b), an individual may only use a multiple occupancy restroom or changing area that is designated for the sex that is the individual's sex (as defined in IC 1-1-4-5(a)(22)).

(b) An individual may use a multiple occupancy restroom or changing area that does not align with the individuals's sex if the:

(1) multiple occupancy restroom or changing area has been temporarily designated for use by the opposite sex; or

(2) individual is entering a multiple occupancy restroom or changing area for one (1) or more of the following reasons:

(A) For custodial, maintenance, or inspection purposes.

(B) To render medical or emergency assistance.

(C) To accompany an individual needing assistance if the individual assisting the individual needing assistance is:

(i) an employee or other staff of the business; or

(ii) the individual's parent or caregiver.

Sec. 5. (a) A business shall take reasonable steps to prohibit an individual from using a multiple occupancy restroom or changing area designated for the opposite sex in violation of section 4 of this chapter.

(b) A business that fails to take reasonable steps under subsection (a) violates this chapter.

(c) A business's compliance with section 3 of this chapter does not, by itself, satisfy the duty imposed under subsection (a).

Sec. 6. (a) Beginning July 1, 2027, an individual who is directly or indirectly injured as a result of a violation of section 3 or 5 of this chapter may bring a civil action against the business.

(b) Beginning July 1, 2027, an individual who is directly or indirectly injured as a result of a violation of section 4 of this chapter may bring a civil action against an individual who violated section 4 of this chapter.

Sec. 7. The court shall award to an individual who prevails in an action under section 6 of this chapter:

(1) Injunctive relief.

(2) The greater of:

(A) actual and consequential damages resulting from the

violation; or

(B) liquidated damages of not more than one thousand dollars ($1,000).

(3) Costs and reasonable attorney's fees.

(4) Any other appropriate relief determined by the court.

Sec. 8. It is not a defense to a civil action brought in state court under this chapter that a federal district court or the United States Court of Appeals for the Seventh Circuit has:

(1) declared any provision or application of this chapter unconstitutional; or

(2) enjoined or restrained any state official from bringing prosecutions under this chapter.

Sec. 9. (a) Notwithstanding any other law, any person, including an attorney or a law firm that seeks declaratory or injunctive relief to prevent a person from enforcing or bringing an action to enforce this chapter, is jointly and severally liable to pay the costs and reasonable attorney's fees of the prevailing party, including the costs and reasonable attorney's fees the prevailing party incurs in its efforts to recover costs and fees.

(b) For purposes of this section, a party is a prevailing party if:

(1) a court dismisses a claim or cause of action brought against the party by a litigant that seeks declaratory or injunctive relief under subsection (a), regardless of the reason for the dismissal;

(2) a court enters judgment in the party's favor on a claim or cause of action; or

(3) the litigant that seeks declaratory or injunctive relief under subsection (a) voluntarily dismisses a claim or cause of action.

(c) Regardless of whether a prevailing party sought to recover costs or attorney's fees in the underlying action, a prevailing party under this section may bring a civil action to recover costs and attorney's fees against a person, including an attorney or a law firm that sought declaratory or injunctive relief described by subsection (a), not later than two (2) years after the judgment becomes final.

(d) It is not a defense to an action brought under subsection (c) that:

(1) a prevailing party failed to seek recovery of costs or attorney's fees in the underlying action;

(2) the court in the underlying action declined to recognize or enforce this section;

(3) the court in the underlying action held that any provisions of this section are invalid, unconstitutional, or preempted by federal law, notwithstanding the doctrine of issue or claim preclusion; or

(4) the court is a federal court.

(e) If a civil action is brought under subsection (c), the action may not be transferred to a different venue without the written consent of all parties.

(f) Notwithstanding any other law, IC 34-7-7 and IC 34-13-9 do not apply to an action brought under subsection (c).

Sec. 10. A governmental entity or an officer or employee of a governmental entity is immune from any action, claim, counterclaim, or other legal or equal action that:

(1) challenges the validity of any provision in this chapter; or

(2) seeks to prevent enforcement of this chapter;

in accordance with IC 34-13-3-3.

Sec. 11. This chapter may not be construed to prevent a litigant from asserting the invalidity or unconstitutionality of a provision of application of this chapter as a defense to an action, claim, or counterclaim brought against the litigant.

Sec. 12. The provisions of this chapter are severable as provided in IC 1-1-1-8(b).

SECTION 15. IC 34-12-6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 6. Legal Actions Concerning Physical Privacy

Sec. 1. A court of this state does not have jurisdiction to consider, and may not award relief, under any action that:

(1) seeks declaratory or injunctive relief, or any type of writ, including a writ of prohibition, that would challenge the validity of any provision in:

(A) IC 4-1-15;

(B) IC 11-8-11;

(C) IC 20-33-14;

(D) IC 21-39-10;

(E) IC 24-4-27; or

(F) IC 36-2-13-20; or

(2) seeks to prevent enforcement of the statutes listed in subdivision (1).

Sec. 2. A plaintiff class may not litigate, and a court may not certify, any action that:

(1) seeks declaratory or injunctive relief, or any type of writ,

including a writ of prohibition, that would challenge the validity of any provision in:

(A) IC 4-1-15;

(B) IC 11-8-11;

(C) IC 20-33-14;

(D) IC 21-39-10;

(E) IC 24-4-27; or

(F) IC 36-2-13-20; or

(2) seeks to prevent enforcement of the statutes listed in subdivision (1).

SECTION 16. IC 34-13-3-3, AS AMENDED BY P.L.186-2025, SECTION 182, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A governmental entity or an employee acting within the scope of the employee's employment is not liable if a loss results from the following:

(1) The natural condition of unimproved property.

(2) The condition of a reservoir, dam, canal, conduit, drain, or similar structure when used by a person for a purpose that is not foreseeable.

(3) The temporary condition of a public thoroughfare or extreme sport area that results from weather.

(4) The condition of an unpaved road, trail, or footpath, the purpose of which is to provide access to a recreation or scenic area.

(5) The design, construction, control, operation, or normal condition of an extreme sport area, if all entrances to the extreme sport area are marked with:

(A) a set of rules governing the use of the extreme sport area;

(B) a warning concerning the hazards and dangers associated with the use of the extreme sport area; and

(C) a statement that the extreme sport area may be used only by persons operating extreme sport equipment.

This subdivision shall not be construed to relieve a governmental entity from liability for the continuing duty to maintain extreme sports areas in a reasonably safe condition.

(6) The initiation of a judicial or an administrative proceeding.

(7) The performance of a discretionary function; however, the provision of medical or optical care as provided in IC 34-6-2.1-54 shall be considered as a ministerial act.

(8) The adoption and enforcement of or failure to adopt or enforce:

(A) a law (including rules and regulations); or

(B) in the case of a public school or charter school, a policy;

unless the act of enforcement constitutes false arrest or false imprisonment.

(9) An act or omission performed in good faith and without malice under the apparent authority of a statute which is invalid if the employee would not have been liable had the statute been valid.

(10) The act or omission of anyone other than the governmental entity or the governmental entity's employee.

(11) The issuance, denial, suspension, or revocation of, or failure or refusal to issue, deny, suspend, or revoke any permit, license, certificate, approval, order, or similar authorization, where the authority is discretionary under the law.

(12) Failure to make an inspection, or making an inadequate or negligent inspection, of any property, other than the property of a governmental entity, to determine whether the property complied with or violates any law or contains a hazard to health or safety.

(13) Entry upon any property where the entry is expressly or impliedly authorized by law.

(14) Misrepresentation if unintentional.

(15) Theft by another person of money in the employee's official custody, unless the loss was sustained because of the employee's own negligent or wrongful act or omission.

(16) Injury to the property of a person under the jurisdiction and control of the department of correction if the person has not exhausted the administrative remedies and procedures provided by section 7 of this chapter.

(17) Injury to the person or property of a person under supervision of a governmental entity and who is:

(A) on probation;

(B) assigned to an alcohol and drug services program under IC 12-23, a minimum security release program under IC 11-10-8, a pretrial conditional release program under IC 35-33-8, or a community corrections program under IC 11-12; or

(C) subject to a court order requiring the person to be escorted by a county police officer while on or in a government building (as defined in IC 36-9-13-3) owned by a county building authority under IC 36-9-13, unless the injury is the result of an act or omission amounting to:

(i) gross negligence;

(ii) willful or wanton misconduct; or

(iii) intentional misconduct.

(18) Design of a highway (as defined in IC 9-13-2-73), toll road project (as defined in IC 8-15-2-4(4)), tollway (as defined in IC 8-15-3-7), or project (as defined in IC 8-15.7-2-14) if the claimed loss occurs at least twenty (20) years after the public highway, toll road project, tollway, or project was designed or substantially redesigned; except that this subdivision shall not be construed to relieve a responsible governmental entity from the continuing duty to provide and maintain public highways in a reasonably safe condition.

(19) Development, adoption, implementation, operation, maintenance, or use of an enhanced emergency communication system.

(20) Injury to a student or a student's property by an employee of a school corporation if the employee is acting reasonably under a:

(A) discipline policy adopted under IC 20-33-8-12; or

(B) restraint and seclusion plan adopted under IC 20-20-40-14.

(21) An act or omission performed in good faith under the apparent authority of a court order described in IC 35-46-1-15.1 or IC 35-46-1-15.3 that is invalid, including an arrest or imprisonment related to the enforcement of the court order, if the governmental entity or employee would not have been liable had the court order been valid.

(22) An act taken to investigate or remediate hazardous substances, petroleum, or other pollutants associated with a brownfield (as defined in IC 13-11-2-19.3) unless:

(A) the loss is a result of reckless conduct; or

(B) the governmental entity was responsible for the initial placement of the hazardous substances, petroleum, or other pollutants on the brownfield.

(23) The operation of an off-road vehicle (as defined in IC 14-8-2-185) by a nongovernmental employee, or by a governmental employee not acting within the scope of the employment of the employee, on a public highway in a county road system outside the corporate limits of a city or town, unless the loss is the result of an act or omission amounting to:

(A) gross negligence;

(B) willful or wanton misconduct; or

(C) intentional misconduct.

This subdivision shall not be construed to relieve a governmental entity from liability for the continuing duty to maintain highways

in a reasonably safe condition for the operation of motor vehicles licensed by the bureau of motor vehicles for operation on public highways.

(24) Any act or omission rendered in connection with a request, investigation, assessment, or opinion provided under IC 36-9-28.7.

(b) This subsection applies to a cause of action that accrues during a period of a state disaster emergency declared under IC 10-14-3-12 to respond to COVID-19, if the state of disaster emergency was declared after February 29, 2020, and before April 1, 2022. A governmental entity or an employee acting within the scope of the employee's employment is not liable for an act or omission arising from COVID-19 unless the act or omission constitutes gross negligence, willful or wanton misconduct, or intentional misrepresentation. If a claim described in this subsection is:

(1) a claim for injury or death resulting from medical malpractice; and

(2) not barred by the immunity provided under this subsection;

the claimant is required to comply with all of the provisions of IC 34-18 (medical malpractice act).

(c) A governmental entity or an officer or employee of a governmental entity is immune from any action, claim, counterclaim, or other legal or equal action that:

(1) challenges the validity of any provision in:

(A) IC 4-1-15;

(B) IC 11-8-11;

(C) IC 20-33-14;

(D) IC 21-39-10;

(E) IC 24-4-27; or

(F) IC 36-2-13-20; or

(2) seeks to prevent enforcement of a provision listed in subdivision (1).

SECTION 17. IC 35-43-2-2, AS AMENDED BY P.L.186-2025, SECTION 239, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) As used in this section, "authorized person" means a person authorized by an agricultural operation or a scientific research facility to act on behalf of the agricultural operation or the scientific research facility.

(b) A person who:

(1) not having a contractual interest in the property, knowingly or intentionally enters the real property of another person after having been denied entry by the other person, that person's agent,

or a law enforcement officer acting on behalf of the other person or that person's agent;

(2) not having a contractual interest in the property, knowingly or intentionally refuses to leave the real property of another person after having been asked to leave by the other person, that person's agent, or a law enforcement officer acting on behalf of the other person or that person's agent;

(3) accompanies another person in a vehicle, with knowledge that the other person knowingly or intentionally is exerting unauthorized control over the vehicle;

(4) knowingly or intentionally interferes with the possession or use of the property of another person without the person's consent;

(5) not having a contractual interest in the property, knowingly or intentionally enters the:

(A) property of an agricultural operation that is used for the production, processing, propagation, packaging, cultivation, harvesting, care, management, or storage of an animal, plant, or other agricultural product, including any pasturage or land used for timber management, without the consent of the owner of the agricultural operation or an authorized person; or

(B) dwelling of another person without the person's consent;

(6) knowingly or intentionally:

(A) travels by train without lawful authority or the railroad carrier's consent; and

(B) rides on the outside of a train or inside a passenger car, locomotive, or freight car, including a boxcar, flatbed, or container without lawful authority or the railroad carrier's consent;

(7) not having a contractual interest in the property, knowingly or intentionally enters or refuses to leave the property of another person after having been prohibited from entering or asked to leave the property by a law enforcement officer when the property is:

(A) vacant real property (as defined in IC 36-7-36-5) or a vacant structure (as defined in IC 36-7-36-6); or

(B) designated by a municipality or county enforcement authority to be:

(i) abandoned property or an abandoned structure (as defined in IC 36-7-36-1); or

(ii) an unsafe building or an unsafe premises (as described in IC 36-7-9);

(8) not having a contractual interest in the property, knowingly or

intentionally enters the real property of an agricultural operation (as defined in IC 32-30-6-1) without the permission of the owner of the agricultural operation or an authorized person, and knowingly or intentionally engages in conduct that causes property damage to:

(A) the owner of or a person having a contractual interest in the agricultural operation;

(B) the operator of the agricultural operation; or

(C) a person having personal property located on the property of the agricultural operation;

(9) not having a contractual interest in the property, knowingly or intentionally enters the real property of a scientific research facility (as defined in IC 35-31.5-2-287) without the permission of, or with permission which was fraudulently obtained from, the owner of the scientific research facility or an authorized person, and knowingly or intentionally engages in conduct that causes property damage to:

(A) the owner of or a person having a contractual interest in the scientific research facility;

(B) the operator of the scientific research facility; or

(C) a person having personal property located on the property of the scientific research facility;

(10) knowingly or intentionally enters the property of another person after being denied entry by a court order that has been issued to the person or issued to the general public by conspicuous posting on or around the premises in areas where a person can observe the order when the property has been designated by a municipality or county enforcement authority to be:

(A) a vacant property;

(B) an abandoned property;

(C) an abandoned structure (as defined in IC 36-7-36-1); or

(D) an unsafe building or an unsafe premises (as described in IC 36-7-9);

(11) knowingly or intentionally enters or refuses to leave the polls (as defined in IC 3-5-2.1-80) or chute (as defined in IC 3-5-2.1-21) after having been prohibited from entering or asked to leave the polls or chute by a precinct election officer (as defined in IC 3-5-2.1-82) or a law enforcement officer acting on behalf of a precinct election officer; ~~or~~

(12) knowingly or intentionally:

(A) without permission or prior authorization, enters an area

of property that is locked; or

(B) refuses to leave an area of a property that is otherwise not accessible to the public, after being asked to leave the area of a property by a law enforcement officer or an employee or agent of the owner or operator of the property; **or**

(13) except as provided in IC 4-1-15-4(b), knowingly or intentionally:

(A) enters a multiple occupancy restroom or changing area in a public building (as defined in IC 4-1-15-1) designated for a sex (as defined in IC 1-1-4-5(a)(22)) that is not the individual's sex; and

(B) refuses to leave the multiple occupancy restroom or changing area after being asked to leave by:

(i) an employee of the governmental entity that leases or owns the public building; or

(ii) a law enforcement officer;

commits criminal trespass, a Class A misdemeanor. However, the offense is a Level 6 felony if it is committed on a scientific research facility, on a facility belonging to a public utility (as defined in IC 32-24-1-5.9(a)), on school property, or on a school bus or the person has a prior unrelated conviction for an offense under this section concerning the same property. The offense is a Level 6 felony, for purposes of subdivision (8), if the property damage is more than seven hundred fifty dollars ($750) and less than fifty thousand dollars ($50,000). The offense is a Level 5 felony, for purposes of subdivisions (8) and (9), if the property damage is at least fifty thousand dollars ($50,000).

(c) A person has been denied entry under subsection (b)(1) when the person has been denied entry by means of:

(1) personal communication, oral or written;

(2) posting or exhibiting a notice at the main entrance in a manner that is either prescribed by law or likely to come to the attention of the public;

(3) a hearing authority or court order under IC 32-30-6, IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36; or

(4) posting the property by placing identifying purple marks on trees or posts around the area where entry is denied.

(d) For the purposes of subsection (c)(4):

(1) each purple mark must be readily visible to any person approaching the property and must be placed:

(A) on a tree:

(i) as a vertical line of at least eight (8) inches in length and

with the bottom of the mark at least three (3) feet and not more than five (5) feet from the ground; and

(ii) not more than one hundred (100) feet from the nearest other marked tree; or

(B) on a post:

(i) with the mark covering at least the top two (2) inches of the post, and with the bottom of the mark at least three (3) feet and not more than five (5) feet six (6) inches from the ground; and

(ii) not more than thirty-six (36) feet from the nearest other marked post; and

(2) before a purple mark that would be visible from both sides of a fence shared by different property owners or lessees may be applied, all of the owners or lessees of the properties must agree to post the properties with purple marks under subsection (c)(4).

(e) A law enforcement officer may not deny entry to property or ask a person to leave a property under subsection (b)(7) unless there is reasonable suspicion that criminal activity has occurred or is occurring.

(f) A person described in subsection (b)(7) or (b)(10) violates subsection (b)(7) or (b)(10), as applicable, unless the person has the written permission of the owner, the owner's agent, an enforcement authority, or a court to come onto the property for purposes of performing maintenance, repair, or demolition.

(g) A person described in subsection (b)(10) violates subsection (b)(10) unless the court that issued the order denying the person entry grants permission for the person to come onto the property.

(h) Subsections (b), (c), and (g) do not apply to the following:

(1) A passenger on a train.

(2) An employee of a railroad carrier while engaged in the performance of official duties.

(3) A law enforcement officer, firefighter, or emergency response personnel while engaged in the performance of official duties.

(4) A person going on railroad property in an emergency to rescue a person or animal from harm's way or to remove an object that the person reasonably believes poses an imminent threat to life or limb.

(5) A person on the station grounds or in the depot of a railroad carrier:

(A) as a passenger; or

(B) for the purpose of transacting lawful business.

(6) A:

(A) person; or

(B) person's:
(i) family member;
(ii) invitee;
(iii) employee;
(iv) agent; or
(v) independent contractor;

going on a railroad's right-of-way for the purpose of crossing at a private crossing site approved by the railroad carrier to obtain access to land that the person owns, leases, or operates.

(7) A person having written permission from the railroad carrier to go on specified railroad property.

(8) A representative of the Indiana department of transportation while engaged in the performance of official duties.

(9) A representative of the federal Railroad Administration while engaged in the performance of official duties.

(10) A representative of the National Transportation Safety Board while engaged in the performance of official duties.

(i) The offense described in subsection (b)(13) is a Level 6 felony if it is committed by a person who was convicted of criminal trespass under subsection (b)(13) within the last five (5) years.

SECTION 18. IC 36-2-13-20 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 20. (a) Notwithstanding any other law, an incarcerated person may not be housed in a county jail that does not align with the incarcerated person's sex (as defined in IC 1-1-4-5(a)(22)).**

(b) Beginning July 1, 2027, the attorney general may investigate allegations of violations of this chapter. In addition to any civil action filed by a taxpayer under subsection (c), the attorney general may file a civil action to petition a court with jurisdiction:

(1) to impose a civil penalty of up to ten thousand dollars ($10,000) against the sheriff in charge of a county jail for each violation of this chapter, for which the sheriff shall be personally liable; and

(2) for injunctive relief.

The attorney general shall transfer all civil penalties collected under this chapter to the treasurer of state for deposit in the state general fund.

(c) Beginning July 1, 2027, an Indiana taxpayer may file a civil action against a county jail for each violation of subsection (a).

(d) The court may award to a taxpayer who prevails in an action under this section any of the following:

(1) Injunctive relief.

(2) The greater of:

(A) actual and consequential damages resulting from the violation; or

(B) liquidated damages of not more than one thousand dollars ($1,000).

(3) Costs and reasonable attorney's fees.

(4) Any other appropriate relief determined by the court.

(e) It is not a defense to a civil action brought in state court under this section that a federal district court or the United States Court of Appeals for the Seventh Circuit has:

(1) declared any provision or application of this section unconstitutional; or

(2) enjoined or restrained any state official from bringing prosecutions under this section.

(f) Notwithstanding any other law, any person, including an attorney or a law firm that seeks declaratory or injunctive relief to prevent a governmental entity or person from enforcing or bringing an action to enforce this chapter, is jointly and severally liable to pay the costs and reasonable attorney's fees of the prevailing party, including the costs and reasonable attorney's fees the prevailing party incurs in its efforts to recover costs and fees.

(g) For purposes of this section, a party is a prevailing party if:

(1) a court dismisses a claim or cause of action brought against the party by a litigant that seeks declaratory or injunctive relief under subsection (f), regardless of the reason for the dismissal;

(2) a court enters judgment in the party's favor on a claim or cause of action; or

(3) the litigant that seeks declaratory or injunctive relief under subsection (f) voluntarily dismisses a claim or cause of action.

(h) Regardless of whether a prevailing party sought to recover costs or attorney's fees in the underlying action, a prevailing party under this section may bring a civil action to recover costs and attorney's fees against a person, including an attorney or a law firm that sought declaratory or injunctive relief described by subsection (f) not later than two (2) years after the judgment becomes final.

(i) It is not a defense to an action brought under subsection (h) that:

(1) a prevailing party failed to seek recovery of costs or

attorney's fees in the underlying action;

(2) the court in the underlying action declined to recognize or enforce this section;

(3) the court in the underlying action held that any provisions of this section are invalid, unconstitutional, or preempted by federal law, notwithstanding the doctrine of issue or claim preclusion; or

(4) the court is a federal court.

(j) If a civil action is brought under subsection (h), the action may not be transferred to a different venue without the written consent of all parties.

(k) Notwithstanding any other law, IC 34-7-7 and IC 34-13-9 do not apply to an action brought under subsection (h).

(l) A governmental entity or an officer or employee of a governmental entity is immune from any action, claim, counterclaim, or other legal or equal action that:

(1) challenges the validity of any provision in this section; or

(2) seeks to prevent enforcement of this section;

in accordance with IC 34-13-3-3.

(m) This section may not be construed to prevent a litigant from asserting the invalidity or unconstitutionality of a provision of application of this section as a defense to an action, claim, or counterclaim brought against the litigant.

(n) The provisions of this section are severable as provided in IC 1-1-1-8(b).

SECTION 19. [EFFECTIVE UPON PASSAGE] **(a) The definitions of "sex" and "gender", as added by IC 1-1-4-5(a)(22), as amended by this act, are meant to be synonymous in the Indiana Code unless specifically defined otherwise. The general assembly is adding definitions of "sex" and "gender" in this act for purposes of clarifying what has always been meant by the use of the terms in the Indiana Code.**

(b) This SECTION expires December 31, 2026.

SECTION 20. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "state department" refers to the Indiana department of health.**

(b) The state department shall do the following:

(1) Identify each instance of a certificate of birth that contains an altered sex classification, including pursuant to a court order but excluding a change made due to a clerical error, that is inconsistent with the definition of "sex" set forth in IC 1-1-4-5(a)(22), as amended by this act.

(2) Reissue each certificate of birth identified in subdivision (1) with the sex classification that is consistent with the definition set forth in IC 1-1-4-5(a)(22), as amended by this act.

(3) Void the superseded document.

(c) The bureau of motor vehicles and the department of labor shall share with the state department any data that includes an address for any individual for which a birth certificate is required to be reissued under this SECTION. The state department shall share with the bureau of motor vehicles the name of any birth certificate that is being reissued so that the bureau may take any action necessary concerning that information.

(d) This SECTION expires December 31, 2028.

SECTION 21. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "state department" refers to the Indiana department of health.**

(b) Before December 31, 2026, the state department shall update the definition of "sex" that the state department uses as an agency to the definition set forth in IC 1-1-4-5(a)(22), as amended by this act.

(c) This SECTION expires December 31, 2027.

SECTION 22. **An emergency is declared for this act.**