



## Ohio Revised Code Section 3319.90

Effective: February 25, 2025

Legislation: Senate Bill 104

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(A) As used in this section:

(1) "Biological sex" means the biological indication of male and female, including sex chromosomes, 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 of gender. An individual may use the individual's official birth record, as defined in section 3705.01 of the Revised Code, to prove biological sex if the birth record was issued at or near the time of the individual's birth.

(2) "Family facility" means a family restroom or shower room that does not have more than one toilet or shower.

(3) "Multi-occupancy facility" means a restroom, locker room, changing room, or shower room that is accessible to multiple individuals at the same time. "Multi-occupancy facility" does not include a family facility.

(4) "School" includes the following:

(a) A school district or school district building;

(b) A community school established under Chapter 3314. of the Revised Code;

(c) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code;

(d) A chartered nonpublic school;

(e) An educational service center.



(B)(1) A school shall designate each student restroom, locker room, changing room, or shower room that is accessible by multiple students at the same time, whether located in a school building or located in a facility used by the school for a school-sponsored activity, for the exclusive use by students of the male biological sex only or by students of the female biological sex only.

(2) No school shall permit a member of the female biological sex to use a student restroom, locker room, changing room, or shower room that has been designated by the school for the exclusive use of the male biological sex. No school shall permit a member of the male biological sex to use a student restroom, locker room, changing room, or shower room that has been designated by the school for the exclusive use of the female biological sex.

(3) No school shall construct, establish, or maintain a multi-occupancy facility that is designated as nongendered, multigendered, or open to all genders.

Nothing in division (B)(3) of this section shall be construed to prohibit a school from constructing, establishing, or maintaining a family facility.

(C) No school shall permit a member of the female biological sex to share overnight accommodations with a member of the male biological sex. No school shall permit a member of the male biological sex to share overnight accommodations with a member of the female biological sex.

(D) Nothing in this section shall be construed to prohibit a school from establishing a policy providing accommodation such as single-occupancy facilities or controlled use of faculty facilities at the request of a student due to special circumstances.

(E) The prohibitions described in divisions (B) and (C) of this section do not apply to any of the following:

(1) A child under the age of ten who is being assisted by a parent, guardian, or family member, as well as the parent, guardian, or family member who is assisting the child;

(2) A person with a disability who is being assisted by another person, as well as the person



providing assistance to the person with a disability;

(3) A school employee whose job duties require the employee to enter a restroom, locker room, changing room, or shower room that is designated for a biological sex that is different than the employee's biological sex;

(4) A person who enters a restroom, locker room, changing room, or shower room that is designated for a biological sex that is different than the person's biological sex because the person reasonably believes the person is responding to a legitimate emergency.