Kansas Department of Administration

Policy on Designation of "Multiple-Occupancy Private Spaces"

1. House Substitute for Senate Bill 244 was passed by the Kansas Legislature on January 28, 2026. Governor Kelly vetoed the bill on February 13, 2026. The Legislature overrode the veto, and the bill will become law upon publication in the Kansas Register.

2. Pursuant to the new law, "each public building shall designate each multiple-occupancy private space in such building for use only by individuals of one sex".

3. Public building means "a building owned or leased by a government entity".

4. A multiple-occupancy private space is defined as "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 this facility provides curtains or partial walls for privacy" and "includes, but is not limited to, a restroom, locker room, changing room or shower room".

5. Individuals using multiple-occupancy private spaces shall use the room designated for use by that individual's sex as defined by K.S.A. § 77-207, unless one of the following exceptions applies:

    a. For custodial purposes;
    b. for maintenance or inspection purposes;
    c. to render medical or other emergency assistance;
    d. to accompany and provide assistance to an individual who needs assistance using the facility;
    e. for law enforcement purposes;
    f. to render assistance necessary in preventing a serious threat to proper order or safety;
    g. 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; or
    h. a child who is under nine years of age may enter a multiple-occupancy private space designated for use only by individuals of the opposite sex if accompanied by an individual caring for such child.

6. This policy does not apply to single-occupancy private spaces, including restrooms.

7. The Secretary of the Department of Administration is designated as the chief administrative officer of "public buildings" subject to this policy.

8. Under this policy and in accordance with Senate Bill 244, only the Secretary of the Department of Administration or their designee may receive complaints. All investigations shall be conducted by the Department of Administration or state agency Human Resources staff, if designated.

9. Guidance on how to submit a complaint and the investigation process will be forthcoming.

10. State laws regarding harassment in the workplace remain unchanged.

11. **All state agencies** shall make sure all multiple-occupancy private spaces in buildings they own or within spaces they lease are designated for use by one sex.

12. K.S.A. § 77-207(1) defines an individual's sex as "such individual's biological sex, either male or female, at birth".

13. K.S.A. § 77-207(2) defines a female as "an individual whose biological reproductive system is developed to produce ova". The definition of female includes the terms "woman" and "girl".

14. K.S.A. § 77-207(2) defines a male as "an individual whose biological reproductive system is developed to fertilize the ova of a female". The definition of male includes the terms "man" and "boy".

15. All existing multiple-occupancy private spaces in "public buildings" subject to this policy already designated as male or female are hereby designated for use only by individuals of one sex, the sex currently identified, consistent with Senate Bill 244.

16. Individuals are advised that repeat offenses of this Senate Bill 244 may lead to civil penalties and criminal charges.

17. This policy is to be read consistent with federal law, including but not limited to, the Americans with Disabilities Act and Title VII of the Civil Rights Act.

18. **This policy is effective immediately upon publication of Senate Bill 244 in the Kansas Register**.

Adam C. Proffitt, Secretary
Department of Administration

02-19-2026
Date