

County Implementation Guidance on SB 244

Multiple-Occupancy Private Spaces in County Buildings

This guidance adapts the Kansas Department of Administration white sheet for county government operations and pairs it with the enacted text of House Substitute for Senate Bill 244. It is intended as an operational starting point for counties, not as legal advice for any specific factual situation.

<p>Core Requirement</p> <p>Each multiple-occupancy private space in a county public building must be designated for use only by individuals of one sex. Single-occupancy private spaces are not covered.</p>	<p>Immediate County Need</p> <p>Each county should identify covered buildings, assign a responsible official for each building, confirm existing designations, and establish a written notice / complaint response process.</p>
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1. Purpose and scope

This document is written for counties that own or lease buildings open to employees, elected officials, contractors, detainees, program participants, or the public. It is designed to help counties organize a practical response to the portions of SB 244 that apply to county buildings and county procedures.

This guidance does not attempt to answer every legal question. Counties should coordinate with their county counselor or county attorney, human resources staff, sheriff, district court contacts where applicable, and building managers before issuing final local direction.

2. Quick Implementation Checklist for Counties

- 1. Governance Authority** - For counties, responsibilities under the act generally rest with the governing body, or the board of county commissioners, unless those duties are delegated or assigned to other county staff or elected or appointed officials.
- 2. Identify covered facilities** – Review county-owned or leased buildings to identify multiple-occupancy restrooms, locker rooms, showers, or changing areas.
- 3. Confirm facility designations** – Ensure multi-occupancy private spaces are designated for either males or females consistent with SB 244.
- 4. Review signage** – Verify signage clearly identifies the designated use of covered facilities.
- 5. Establish a complaint review process** – Determine how the county will receive and review complaints alleging violations.
- 6. Consult legal counsel if questions arise.**

3. County-focused reading of the statute

Statutory term	County takeaway
Public building	A building owned or leased by a governmental entity. Counties should inventory county-owned and county-leased buildings and then decide which specific official or body will administer the law for each building. The term “public building” does not include a building owned by a county that was leased to a private entity prior to the effective

	date of House Substitute for SB 244 on February 26, 2026.
Multiple-occupancy private space	A facility designed or designated for simultaneous use by more than one person where a person may be in a state of undress in the presence of another person. The statute lists restrooms, locker rooms, changing rooms, and shower rooms as examples.
Single-occupancy private space	A facility for one person at a time, including a single-toilet restroom with a locking door designated as unisex or a family restroom or changing room. These spaces are not subject to the one-sex designation requirement.
Sex / male / female	SB 244 incorporates the definitions in K.S.A. 77-207. Counties should quote the statute directly if they include definitions in any local written policy rather than paraphrasing more broadly than the law itself.
Reasonable steps	The law does not define this phrase. Counties should focus on documented operational steps they can prove: signage, written procedures, designation decisions, staff instruction, and prompt response to written notices or complaints.

4. Exceptions to the Law

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;
- 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.

5. Recommended county implementation steps

1. Identify all county buildings that are county-owned or county-leased and determine which of those contain multiple-occupancy private spaces.
2. For each covered building, identify the responsible county decision-maker or administrator who will receive notices, coordinate investigation, and document corrective action.

3. Confirm which existing restrooms, locker rooms, changing rooms, and shower rooms are already designated male or female. **Where signage is missing or unclear, correct it.**
4. Identify any available single-occupancy private spaces, family restrooms, or similar spaces that may be offered without changing the statute’s designation rule for multiple-occupancy spaces.
5. Adopt a short written local procedure covering: who receives written notice, who investigates individual complaints, what records are kept, and how the county documents a cure if an issue is raised.
6. Coordinate with county human resources and legal counsel so that implementation is read consistently with ADA obligations, workplace harassment rules, and existing safety protocols.

6. Complaint, investigation, and cure framework for counties

Topic	What the statute says	County operational recommendation
Entity notice	Before a person complains to the Attorney General, the person must first give the governmental entity written notice describing the violation. If the county does not cure by the end of the third business day after receipt, the person may file with the Attorney General.	Counties should designate one intake point for notices and immediately log the date and time received. A written same-day routing protocol matters because the first deadline is only three business days.
Attorney General investigation	If a complaint is filed, the Attorney General investigates and may request supporting documents and a statement on whether the county has complied or intends to comply.	Counties should keep a standard response packet: building identification, photos of signage, any adopted procedure, and a dated summary of the county’s corrective steps or compliance position.
Cure period	If the Attorney General determines action is warranted, the office must give written notice describing the violation, the location, the proposed penalty, and that the penalty may be avoided by curing the violation within 15 days after receipt.	Because the statute does not define cure, counties should think of cure as prompt corrective action tied to the identified violation and documented in writing. That could include correcting signage, confirming the designation decision, changing local procedures, or otherwise eliminating the specific condition identified by the notice.
Individual complaints	Upon receipt of a complaint that an individual entered a covered space in violation of the law, the governing body or chief administrative officer must investigate and, if a violation is found, provide written notice to the individual with the date/location, repeat-offense	Counties should adopt a short appeal procedure now rather than waiting until the first complaint. The statute requires one, but does not provide the template.

	<p>warning, and administrative appeal procedure.</p>	
<p>Penalties</p>	<p>Governmental entities that fail to comply with the act may be subject to civil penalties of \$25,000 for a first violation and \$125,000 for each subsequent violation. The act provides a 15-day cure period after notice from the Kansas Attorney General before a civil penalty may be assessed. If the violation continues beyond that period, each day may be treated as a separate violation.</p> <p>Separate penalties apply to individuals. A second individual violation may result in a \$1,000 civil penalty, and a third or subsequent violation may be prosecuted as a class B misdemeanor.</p>	<p>Counties should avoid improvisation. Written procedures, timely intake, and documented correction steps are the best risk-management tools when the statute leaves details open.</p>

7. Practical notes for counties

- **Existing male/female signage:** The state white sheet states that already-designated state spaces remain designated consistent with SB 244. Counties may use the same practical approach, but should still verify signage is present, legible, and assigned at each covered location.
- **Different county facilities:** County courthouses, jails, health departments, parks buildings, public works facilities, and administrative buildings may present different operational issues. Counties should avoid assuming that one building protocol automatically fits every facility.
- **Independently elected officials and shared buildings:** When multiple county offices share one building, counties should decide in writing how notices, investigations, and responses will be coordinated so that deadlines are not missed.
- **Facility alterations:** The statute permits a county to establish single-occupancy private spaces, but it does not require construction or remodeling. Counties should evaluate any proposed physical alteration as a separate operational and fiscal decision.

8. Suggested sample language counties may adapt

County Implementation Statement. The county will designate each multiple-occupancy private space in each county public building for use only by individuals of one sex, consistent with SB 244 and K.S.A. 77-207. The county will maintain a written notice and complaint response process, identify a responsible official for each covered building, and read this implementation statement consistently with applicable federal law,

including the Americans with Disabilities Act, and with existing workplace harassment and safety policies.

9. Suggested next steps for distribution

- Issue this guidance with a short cover email to county commissioners, administrators, counselors/attorneys, sheriffs, and facility managers.
- Ask each county to identify a primary point of contact for SB 244 notices and questions.
- Update this guidance after any Attorney General complaint protocol, formal state guidance, or court decision clarifies the cure process or other unresolved terms.

10. Frequently Asked Questions

- **Does SB 244 require counties to build new restrooms?**
No. The law does not require construction or renovation.
- **Are single-user restrooms allowed to remain gender neutral?**
Yes.
- **Does the county need to monitor restroom use?**
The statute requires reasonable measures but does not require monitoring.
- **What happens if a complaint is filed?**
Counties may review the situation and document actions taken.

Source references: House Substitute for Senate Bill 244 (enrolled version); Kansas Department of Administration, Policy on Designation of “Multiple-Occupancy Private Spaces,” dated February 19, 2026.

Sample Complaint Intake Form

County:

Department/Building:

Date Complaint Received:

Received By:

Complainant Information (Optional)

Name:

Phone:

Email:

Location of Concern

County Building:

Facility Location:

Date/Time of Incident:

Description of Concern:

County Administrative Review

Reviewed By:

Date Reviewed:

Findings:

No violation identified / Facility designation issue identified / Additional review required

Corrective Action:

Resolution Date: