

Education Law

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# AALRR Alert



## Single-user Restrooms Must Be Designated Gender Neutral as of March 1, 2017

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Governor Brown signed Assembly Bill 1732 in late September, continuing California's progressive approach toward protecting transgender individuals. AB 1732 augments the nation's most inclusive access policy — requiring single-user occupancy restrooms in businesses, government buildings, and places of public accommodation to be available to everyone. Compliance requires changes to restroom signage to designate single-occupancy restrooms as “all gender.”

AB 1732 adds section 118600 to the Health and Safety Code, effective March 1, 2017. Section 118600 mandates that all single-user toilet facilities in any business establishment, place of public accommodation, or state or local government agency, including public educational entities, be identified as an all-gender toilet facility. A single-user toilet facility means a toilet facility with no more than one water closet and one urinal with a locking mechanism controlled by the user. AB 1732 requires signage to comply with the California Building Standards Code, found at Title 24 of

the California Code of Regulations. Inspectors, building officials, or other local officials responsible for code enforcement are authorized to inspect for compliance with these provisions.

According to the author of AB 1732, the bill allows single-room occupancy bathrooms to be convenient, fair, and equal for everybody. A 2013 survey and report published by the Williams Institute at the UCLA School of Law found that gender-specific restrooms pose serious risks to transgender and gender non-conforming individuals. Seventy percent of survey respondents reported verbal harassment, denial of access, or physical assaults in public restrooms.

AB 1732 addresses issues transgender students may experience in their use of restrooms at school. Further, all-gender single-user restrooms allow women to use available facilities instead of waiting for a gender-specific facility. The law also accommodates caregivers and parents needing to attend to children or family members and

people with disabilities who rely on caretakers.

AB 1732 is consistent with the state's nondiscrimination policy articulated in in Education Code sections 200, 210.7, and 221.5. Specifically, subdivision (f) of section 221.5 states: “a pupil shall be permitted to participate in sex-segregated school programs and activities ... and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records.” Indeed, AB 1732 still allows public educational entities to maintain separate toilet facilities, locker rooms, or living facilities for males and females, so long as the facilities are comparable.

Unrestricted restroom access is not a novel concept. Airplane restrooms are not gender specific.

--> “Businesses, schools and colleges, and government agencies must update their restroom signage before March 1, 2017 to ensure compliance with this new requirement.”

The University of California has had a similar gender-neutral single-occupancy restroom policy since 2014. Likewise, the United States Department of Labor's Occupational Safety and Health Administration encourages employers to provide employees with restroom choices, including single-occupancy gender-neutral facilities, as part of best practices.

AB 1732 mandates single-occupancy restrooms to be designated as gender-neutral facilities. Businesses, schools and colleges, and government agencies must update their restroom signage before March 1, 2017 to ensure compliance with this new requirement.