

SENATE THIRD READING  
SB 1194 (Allen)  
As Amended August 23, 2022  
Majority vote

## SUMMARY

Authorizes a local government to require, by ordinance or resolution, that multiuser public toilet facilities within its jurisdiction be designed, constructed, and identified for use by all genders.

### Major Provisions

- 1) Require a city, county, or city and county that chooses to require new or renovated public toilet facilities within its jurisdiction to be designed, constructed, and identified for use by all genders to do so by adopting an ordinance or resolution.
- 2) Require signs in compliance with Title 24 of the California Code of Regulation to identify the restrooms for use by all genders.
- 3) Require single-user toilet facilities to comply with the requirements in Title 24 of the California Code of Regulation.
- 4) Require lavatories in multiuser toilet facilities to be located in either toilet rooms or grouped in an immediately adjacent common use area accessible to all users.
- 5) Repeal the authorization created by this bill when similar standards adopted by the California Building Standards Commission (CBSC) take effect.

## COMMENTS

*California Building Standards Commission.* As noted on CBSC's website, the CBSC is charged with administering California's building code adoption process; reviewing and approving building standards proposed and adopted by state agencies; codifying and publishing approved building standards in the California Building Code (CBC); and resolving conflict, duplication, and overlap in building standards.

*California Plumbing Code.* The California Plumbing Code is adopted and amended from the Uniform Plumbing Code, which is developed by the International Association of Plumbing and Mechanical Officials (IAPMO). The California Plumbing Code currently requires that separate toilet facilities be provided for each sex, although IAPMO is in the process of updating the Uniform Plumbing Code (which California traditionally adopts and amends for state use) to include building standards for multi-stall, gender-neutral bathrooms. BSC expects to adopt these standards during the 2024 Triennial Code Adoption Cycle, although the standards would not be effective until 2026. However, the Governor's office has instructed the Division of the State Architect and the BSC to begin developing regulations for multi-stall, gender-neutral bathrooms for the 2022 Intervening Code Adoption Cycle, although these standards would apply only to facilities within each entity's jurisdiction (e.g. K-12 public schools, California community colleges, and state-owned property, including California State University and University of California campuses).

*Local government.* Notwithstanding state facilities (e.g. government buildings, public universities, and prisons), local governments are required to enforce the CBC. Most local governments adopt the CBC in local ordinances, and when they do not, the CBC becomes the applicable code by default. Local governments may adopt ordinances that differ from the CBC pursuant to express findings that amendments are reasonably necessary because of local climatic, geological, topographic, or environmental conditions. To be enforceable, an amendment must be filed with the BSC.

By allowing local governments to require multiuser restroom facilities for use by all genders, the author argues that this bill will support the safety and well-being of transgender and gender non-conforming individuals, as well as differently abled persons and families.

### **According to the Author**

According to the author, "California has led the nation in ensuring that safe, accessible, gender-neutral restroom facilities are available to visitors of most public places. However, for more proactive cities and counties, existing statutes have limited their authority to explore innovative methods of expanding access and efficiency. [This bill] gives local governments the ability to adopt ordinances or resolutions that require the construction of multiple-stall gender-neutral restrooms in places of newly constructed or majorly renovated public accommodation within their jurisdiction. By empowering local governments to set requirements at the local level, [this bill] will help cities and counties meaningfully build on their commitment to creating safe and accessible environments for transgender and gender non-conforming people as well as people with disabilities and personal caregivers for children and adults."

### **Arguments in Support**

The City of West Hollywood writes as a co-sponsor of this bill:

[This bill] promotes safety for transgender and gender non-conforming individuals as it removes the gender differentiation within bathrooms by making private stalls, all gender. This simple action means a world of difference for members of our community who have, and continue to suffer, aggression and acts of violence just because they are transgender or do not conform to traditional heterogender stereotypes.

[This bill] is also an important measure that provides relief for people with ambulatory restrictions who need assistance from a caretaker when using a bathroom. At times, the caretaker's gender may be the opposite of the client and entering a bathroom can become an issue. Multi-stall gender neutral bathrooms for disabled individuals eliminate this problem, and afford disabled individuals the dignity, privacy and assistance they need and deserve.

### **Arguments in Opposition**

None on file.

## **FISCAL COMMENTS**

None. This bill is keyed non-fiscal by Legislative Counsel.

**VOTES****SENATE FLOOR: 37-0-3**

**YES:** Allen, Atkins, Bates, Becker, Borgeas, Bradford, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

**ABS, ABST OR NV:** Archuleta, Caballero, Hertzberg

**ASM BUSINESS AND PROFESSIONS: 18-0-1**

**YES:** Berman, Flora, Mia Bonta, Chen, Megan Dahle, Fong, Gipson, Grayson, Irwin, Lee, McCarty, Medina, Calderon, Ting, Akilah Weber, Friedman, Wicks, Cristina Garcia

**ABS, ABST OR NV:** Cunningham

**UPDATED**

VERSION: August 23, 2022

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