

ASSEMBLY, No. 3877

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 23, 2020

Sponsored by:

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SYNOPSIS

Requires access to certain single-occupancy restrooms regardless of gender identity.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/30/2020)

1 AN ACT concerning gender-based restroom restrictions, and
2 amending P.L.1978, c.162.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 1 of P.L.1978, c.162 (C.26:4B-1) is amended to read
8 as follows:

9 1. a. Any place of employment or of public accommodation
10 which maintains public restrooms shall make available at least one-
11 half of the units in each such restroom without charge and shall
12 charge equally for the use of the remaining units regardless of
13 whether they are designated for men [and] or women , or have no
14 gender designation. Where a public restroom has only one unit, that
15 unit shall be made available without charge.

16 b. Any place of employment or of public accommodation
17 which maintains a public single-occupancy restroom shall permit a
18 person to use the public single-occupancy restroom regardless of
19 the person's gender. A place of employment or of public
20 accommodation shall remove any signage suggesting that the public
21 single-occupancy restroom has a gender restriction.

22 c. For the purpose of [this act] P.L.1978, c.162 (C.26:4B-1 et
23 seq.):

24 ["unit" shall include only toilets and "one-half"] "One-half"
25 means the number of units divided by two, but where such division
26 results in a whole number and a fraction, "one-half" means said
27 whole number.

28 "Public accommodation" means "a place of public
29 accommodation," as defined in subsection l. of section 5 of
30 P.L.1945, c.169 (C.10:5-5).

31 "Public single-occupancy restroom" means a public restroom
32 maintained by a place of employment or public accommodation that
33 either:

34 (1) contains only one toilet, without any urinals; or

35 (2) contains only one toilet and one urinal, without any barrier
36 separating the toilet and the urinal.

37 "Unit" means a toilet or urinal.

38 (cf: P.L.1978, c.162, s.1)

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40 2. This act shall take effect immediately, but the new
41 requirement concerning the removal of gender restrictions on
42 single-occupancy restrooms shall remain inoperative until the first
43 day of the second month next following enactment.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

STATEMENT

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This bill requires places of employment, and places of public accommodation such as restaurants and retail establishments, to permit a person to use a public single-occupancy restroom regardless of the person's gender. The bill also requires places of employment and public accommodation to remove any signage suggesting that the public single-occupancy restroom has a gender restriction. The bill defines a "public single-occupancy restroom" as a public restroom maintained by a place of employment or public accommodation that either (1) contains only one toilet, without any urinals, or (2) contains only one toilet and one urinal, without any barrier separating the toilet and the urinal.

This bill also revises an existing requirement concerning restroom fees to provide that if a place of employment or public accommodation charges for the use of any restroom facilities, the charge shall be equal regardless of whether the facilities are restricted to men or women, or have no gender restriction.