



**TESTIMONY OF GLBTQ LEGAL ADVOCATES & DEFENDERS
IN SUPPORT OF H 5741**

Rhode Island House Committee on State Government and Elections
March 15, 2021

Dear Chair Shanley, First Vice Chair Messier, Second Vice Chair Corvese, and Members of the House Committee on State Government and Elections:

GLBTQ Legal Advocates & Defenders (“GLAD”) is grateful for the opportunity to submit testimony in support of H 5741. This is a straightforward and common-sense update to the state building code that will ensure safe and inclusive access to restroom facilities in places of public accommodation. The bill simply provides that single-use restroom facilities in public places be labeled “restroom” rather than restricted in use by gender. This bill also provides an avenue for the creation of single-use facilities in new and substantially renovated state and municipal buildings. Through this legislation, Rhode Island will meet a number of important goals. First, people who are transgender, non-binary people or people who do not identify as exclusively male or female will have safe access to restroom facilities in places of public accommodation. Further, people who need assistance in single-use restrooms, including people with disabilities, elderly people and families with babies and young children, will be able to more safely and easily access restroom facilities.

GLAD is a New England-based legal organization dedicated to building a just society on the basis of sexual orientation, gender identity and expression, and HIV status. GLAD has long advocated for the rights of transgender and non-binary people, including their rights to safely and equally access places of public accommodation such as restrooms. *See, e.g., Doe v. Reg’l Sch. Unit 26*, 86 A.3d 600 (Me. 2014). When GLAD was approached by the community in Rhode Island to help draft a bill to allow transgender and non-binary people to safely access single-use restrooms, we were happy to provide support to this important effort. H 5741 is the culmination of collaborative community effort, led by TGI Network, and will benefit the many Rhode Islanders who depend on safe and accessible single-use restroom facilities.

Many states have similar protections ensuring that single-use restrooms in places of public accommodation include all genders, including California, Illinois, New Mexico, New York, and Vermont. *See, e.g.*, Cal. Health & Safety Code § 118600 (2017); 410 Ill. Comp. Stat. Ann. 35/25 (2019); N.M. Stat. Ann. § 28-24-3 (2019); N.Y. Civ. Rights Law § 79-p (2020); Vt. Stat. Ann. tit. 18, § 1792 (2018). In fact, this bill was modeled after similar legislation in Vermont that provides for gender-inclusive restrooms in public spaces. *See* Vt. Stat. Ann. tit. 18, § 1792 (2018). Like the Vermont statute, this bill provides that single-user toilet facilities in public buildings or places of public accommodation be made available to persons of any gender by requiring signage to mark the single-user facility as a restroom *without* reserving the facility for a specific gender. The bill applies to single-user facilities that currently exist or are constructed on or after January 1, 2023 and represents a simple, inexpensive solution that will benefit many Rhode Islanders.

This bill also provides that new state and municipal building construction open to the public that begins after July 1, 2021, and all renovations and replacements of a value in excess of fifty percent of such buildings after January 1, 2022, provide for a single-user toilet facility available for use by persons of any gender. This provision is modeled on an existing Rhode Island law adopted in 1999 to provide baby-changing tables in restrooms. *See* R.I. Gen. Laws § 23-27.3-701. As such, this bill will ensure that future government buildings and renovations provide access to community members that have a critical need for these facilities. Finally, as currently written the bill allows a municipality to seek a waiver in the event of unreasonable hardship and empowers the Building Code Standards Committee to adopt rules and regulations to enforce the new requirements and allows inspectors and officials to inspect for compliance with the statute.

This is a straightforward, common-sense bill that will address the needs of many different Rhode Islanders in the community. In the immediate term, the bill would require a simple change in signage to allow anyone to access existing single-use facilities. This is critically important for multiple stakeholders. With this bill, transgender and non-binary people will be able to safely access single-user facilities, protecting these community members from potential harm and harassment. Further, this bill would benefit Rhode Islanders with disabilities and other individuals who may require the assistance of caregivers who are a different gender, by allowing these

individuals to access a private space with their caregivers. Also, a parent with a young child of a different gender will similarly enjoy this additional privacy.

Finally, removing gendered restrictions on single-user facilities makes sense for efficiency purposes. Buildings and small businesses that only have single-user facilities can experience prolonged wait times if single-use restrooms are limited for use to a specific gender. This can have critical consequences for individuals that may need to access facilities on an urgent basis, be it due to pregnancy or other medical need. These individuals inappropriately and unnecessarily suffer when an otherwise available facility is marked with signage of a different gender, precluding the individual from accessing the facility without risk of stigma, harassment, or possible harm. H 5741 provides a simple solution to this issue.

GLAD supports H 5741 and believes that this legislation will promote safe and inclusive access to restrooms in places of public accommodation for all in the state of Rhode Island. Thank you for the opportunity to provide testimony, and please do not hesitate to contact me with questions or for additional information.

Respectfully submitted,

A handwritten signature in black ink, consisting of a stylized capital letter 'P' followed by a long horizontal line that tapers to the right.

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