

# STATE OF NEW YORK

5240--A

2019-2020 Regular Sessions

## IN ASSEMBLY

February 7, 2019

Introduced by M. of A. O'DONNELL, DICKENS, MOSLEY, JAFFEE, ORTIZ, BLAKE, CRESPO, THIELE, SIMON, GALEF, ARROYO, GLICK, WALLACE, HEVESI, ABINANTI, D'URSO, QUART, CUSICK, HYNDMAN, DE LA ROSA, PICHARDO, LIFTON, BRONSON, SEAWRIGHT, STECK, RIVERA, NIOU, ROZIC, SIMOTAS, BYRNE, BICHOTTE, SANTABARBARA, WOERNER, FAHY, VANEL, GUNTHER, WALKER, NOLAN, ZEBROWSKI, WRIGHT, CAHILL, STIRPE, SOLAGES, LENTOL, KIM, EPSTEIN, JEAN-PIERRE, WEINSTEIN, PERRY, CARROLL, PHEFFER AMATO, JONES, GOTTFRIED, BUCHWALD, REYES, LAVINE, SMULLEN -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil rights law and the education law, in relation to single-occupancy bathroom facilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The civil rights law is amended by adding a new section  
2 79-p to read as follows:

3 § 79-p. Gender neutral single-occupancy bathroom facilities. 1. All  
4 single-occupancy bathroom facilities located in public places, including  
5 but not limited to those located in restaurants, bars, mercantile estab-  
6 lishments, or factories, shall be designated as gender neutral for use  
7 by no more than one occupant at a time or for family or assisted use.  
8 For purposes of this section, "single-occupancy bathroom" shall have the  
9 same meaning as paragraph (d) of subdivision one of section one hundred  
10 forty-five of the public buildings law.

11 2. Such gender neutral bathroom facilities shall be clearly designated  
12 by the posting of such on or near the entry door of each facility.

13 § 2. The education law is amended by adding a new section 409-m to  
14 read as follows:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD03015-02-0

1     § 409-m. Gender neutral single-occupancy bathroom facilities. The  
2 board of education or trustees of every school district or, in the case  
3 of the city school district of New York, the chancellor, and every board  
4 of cooperative educational services, charter school and nonpublic school  
5 within the state shall develop policies and procedures requiring that  
6 all single-occupancy bathroom facilities are designated as gender  
7 neutral for use by no more than one occupant at a time or for family or  
8 assisted use. Such gender neutral bathroom facilities shall be clearly  
9 designated by the posting of such on or near the entry door of each  
10 facility. For purposes of this section, "single-occupancy bathroom"  
11 shall have the same meaning as paragraph (d) of subdivision one of  
12 section one hundred forty-five of the public buildings law.

13     § 3. Section 355 of the education law is amended by adding a new  
14 subdivision 20 to read as follows:

15     20. The state university trustees shall adopt rules requiring that  
16 each institution of the state university of New York adopt written poli-  
17 cies requiring that all public single-occupancy bathroom facilities be  
18 designated as gender neutral for use by no more than one occupant at a  
19 time or for family or assisted use. Such gender neutral bathroom facili-  
20 ties shall be clearly designated by the posting of such on or near the  
21 entry door of each facility. For purposes of this section, "single-oc-  
22 cupancy bathroom" shall have the same meaning as paragraph (d) of subdi-  
23 vision one of section one hundred forty-five of the public buildings  
24 law.

25     § 4. Section 6206 of the education law is amended by adding a new  
26 subdivision 20 to read as follows:

27     20. The board of trustees shall adopt rules requiring that each insti-  
28 tution of the city university of New York adopt written policies requir-  
29 ing that all public single-occupancy bathroom facilities be designated  
30 as gender neutral for use by no more than one occupant at a time or for  
31 family or assisted use. Such gender neutral bathroom facilities shall be  
32 clearly designated by the posting of such on or near the entry door of  
33 each facility. For purposes of this section, "single-occupancy bath-  
34 room" shall have the same meaning as paragraph (d) of subdivision one of  
35 section one hundred forty-five of the public buildings law.

36     § 5. Section 6306 of the education law is amended by adding a new  
37 subdivision 11 to read as follows:

38     11. The board of trustees of each community college shall adopt writ-  
39 ten policies requiring that all public single-occupancy bathroom facili-  
40 ties be designated as gender neutral for use by no more than one occu-  
41 pant at a time or for family or assisted use. Such gender neutral  
42 bathroom facilities shall be clearly designated by the posting of such  
43 on or near the entry door of each facility. For purposes of this  
44 section, "single-occupancy bathroom" shall have the same meaning as  
45 paragraph (d) of subdivision one of section one hundred forty-five of  
46 the public buildings law.

47     § 6. This act shall take effect on the ninetieth day after it shall  
48 have become a law.