

AB 1732: Practical and Legal Concerns/Problems

Practical Concerns/Problems

1. **INTERRUPTIONS:** Some single-occupancy restrooms don't lock properly and sometimes the next person might mistakenly poke their head in. Both sexes, but especially women, would strongly prefer an interruption by a member of their own sex, not by the opposite sex.
2. **WOMEN'S EXPECTATIONS:** Given the worse cleanliness habits of men in public restrooms, this bill means women will no longer have reliably clean single-user restrooms. This bill increases the "ick" factor for women.
3. **CONFLICTS:** Traditions regarding gender and restrooms don't die easily. More conflicts may arise when longtime customers are waiting to go into what was the traditional men or women's restroom. If people are waiting (without a line being formed), a woman doesn't expect a man to "cut in" front of her, nor does a man expect a woman to go in front of him. Conflicts could increase where parents take action based on concern for their children.

Legal Concerns/Problems

AB 1732 leaves intact other provisions in the law requiring separate restrooms for men and women, causing confusion among businesses, regulatory inconsistencies, and the potential for lawsuits.

For example, Business and Professions Code, Section 13651 requires that service stations in urban or suburban areas "shall include separate facilities for men and women." What do service stations do under AB 1732?

Health and Safety Code, Section 118500 says public agencies must provide restrooms "for each sex." What happens to this law if under AB 1732?

Cal/OSHA Title 8 regulations (Subchapter 4. Construction Safety Orders, Article 3, Section 1526) reads "A minimum of one separate toilet facility shall be provided for each 20 employees or fraction thereof of each sex." How many sexes are there now for which construction sites must provide separate toilet facilities?