

Gender-Free Restrooms Now Vermont Law

On May 11, 2018, Governor Scott signed into law H.333 (Act 127), legislation that identifies gender-free restrooms in public buildings and places of public accommodation. The law, which went into effect on July 1, applies to municipal buildings if they contain a restroom designated for use by not more than one occupant at a time or for family or assisted use. Therefore, it is important that local officials understand and comply with the law.

What does the new law require of municipalities? Act 127 adds a new chapter governing restrooms to its health-related laws by requiring any single-user toilet facility in a building owned or occupied by a municipality to be available for use by any gender. 18 V.S.A. § 1792(a). The legislature assigned responsibility for inspections of these facilities and related signage to the Department of Public Safety's Division of Fire Safety. However, gender identity is a protected class in accommodation laws, so the law is under the enforcement authority of the Vermont Human Rights Commission as a public accommodations issue.

What kinds of restroom signs are permissible? Do existing signs for public restrooms have to be replaced? Would having both male and female symbols on a single-use restroom sign comply with the law? While the law does not require signage for these facilities, it allows for them, "provided that the sign marks the facility as a restroom and does not indicate any specific gender." (Emphasis added.) 18 V.S.A. § 1792(a). Taking the most conservative read of the statute along with recent statements by the commission and department, the Municipal Assistance Center recommends using signs that only say "restroom" and removing any male, female, or other gender-specific symbols that appear on single-stall restrooms. These types of signs will be both effective and legal.

The bill, as enacted, is archived online at

<https://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT127/...>

Susan Senning, Staff Attorney I
VLCT Municipal Assistance Center