

## Gender Inclusive Restroom Legislation in the United States

04 December 2023

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Gender-neutral bathrooms should be the standard in all public places. These facilities will allow anyone of any gender identity access to a space to safely carry out a basic human function. The United States must implement nondiscrimination laws and inclusive policies at all levels of government to ensure that every person in this country has a safe experience when using public facilities.

We all know the feeling. You're out at the grocery store, or perusing the mall. When suddenly, nature calls. For many of us, relieving ourselves is a simple, if bothersome, part of life. We search for the door with the figure we've always known to represent us without a second thought. But what about those of us who aren't represented by the symbol of the dress or the lack thereof? For the sexuality and gender-diverse (hereon notated as SGD) population, a simple bathroom break can turn into a frightening or even dangerous endeavor.

Classic male-and-female-denoted restrooms are not only exclusionary but also harmful to the SGD community. These individuals (especially school children) [often face backlash and bullying](#) when using standard male/female lavatories or single toilets labeled "unisex".

Studies show that "59% of trans adults had avoided toilets at school, work, or in public places, with 12% experiencing harassment or assault in toilets" (Francis, et al., 2022).

And the negative effects of gender-exclusionary bathrooms go beyond bullying and harassment. The discrimination SGB youths experience when using the bathroom has been associated with both high rates of [depression and suicide attempts](#).

Opponents of gender-neutral restrooms claim that these spaces may pose a threat to cisgender individuals using the restroom associated with their assigned sex, especially in the case of women and children. These concerns, however, are baseless. While there is plenty of research showing the threats that SGD individuals face when using standard male/female restrooms, there has been “no evidence that assaults, sex crimes, or voyeurism in public toilets are increased by gender-neutral toilets or SGD inclusive policies” (Francis et al., 2022).

Legislators like Senator E.S. “Buck” Newton of the City of Charlotte, North Carolina, oppose gender-inclusive restroom legislation with claims such as “...common sense tells us that men don’t belong in the ladies’ bathroom. It’s a matter of public safety” (Hasenvush et al., 2019). But the facts cannot be disputed. Claims of decreased safety or privacy violations resulting from nondiscrimination laws are [not empirically grounded](#). The opposition to gender-inclusive legislation regarding restrooms and gendered facilities stems from fear, and ultimately, ignorance.

The media has [historically portrayed transgender people as deceivers or deviants](#). A Public Religion Research Institute report found that “while 65% of Americans say they have a close friend or family member who is gay, just 9% say the same thing about having a personal relationship with someone who is transgender.” (Steinmetz, 2016).

Jo Yurcaba, a reporter who covers LGBTQ issues for NBC Out, explains how most who oppose progressive restroom legislation are often in the dark when it comes to trans issues: “...they’re much less likely to know trans people...they don’t know what their lives look like...and, as a result, they’re more susceptible to misinformation about it” (Barrón-López, et. al, 2023).

As more gender-inclusive restroom legislation takes the podium, [more states are considering opposing bills](#) that limit transgender individuals’ use of restrooms aligning with their gender identity. So-called “bathroom bills” [like North Carolina’s HB2](#) (2016) are introduced by Republican senators who are uninformed or misinformed about trans and SGD individuals. While HB2 has since been repealed, it laid the groundwork for discriminatory legislation against SGD people and their access to public restrooms based on assigned biological sex at birth. And many states are following in North Carolina’s footsteps. Most recently, [Idaho, Iowa, and Arkansas](#) have all passed bathroom bills that restrict trans and SGD individuals’ restroom access.

Although most states have blanket laws that prohibit discrimination based on sex in public accommodations, only 18 states have introduced explicit protections for trans and SGD individuals using public restrooms. [The National Center for Transgender Equality](#) provides resources to trans and SGD individuals by keeping track of both progressive and regressive state legislation as well as providing information regarding legal rights surrounding public restrooms and accommodations.

Trans and SGD people are people. People who need to pee, just like everyone else. If current trends hold, more and more states are likely to introduce restrictive bathroom bills in the coming

years. Under the guise of protective measures, this country will continue to discriminate against an ever-growing population of marginalized individuals. It is necessary now more than ever for the public and legislators to learn about trans and SGD individuals and their struggles. And, in turn, the state and federal governments must push inclusive restroom legislation to ensure safe access to public facilities for all.

For more information on trans and SGD individuals and restroom legislation, visit [The National Center for Transgender Equality](#). To take the first steps in becoming an ally, [click here](#).

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