

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 388

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Angelica Rubio

AN ACT

RELATING TO PUBLIC FACILITIES; MAKING PUBLIC RESTROOMS
ACCESSIBLE REGARDLESS OF GENDER IDENTITY OR SEX.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "Gender-Free Restrooms Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
Gender-Free Restrooms Act:

A. "gender identity" means a person's self-
perception, or perception of that person by another, of the
person's identity as a male or female based upon the person's
appearance, behavior or physical characteristics that are in
accord with or opposed to the person's physical anatomy,
chromosomal sex or sex at birth;

B. "gender-neutral signage" means a sign that

underscored material = new
~~[bracketed material]~~ = delete

underscored material = new
[bracketed material] = delete

1 indicates a restroom without preference or distinction to a
2 specific gender identity or sex;

3 C. "public accommodation" means any establishment
4 that provides or offers its services, facilities,
5 accommodations or goods to the public, but does not include a
6 bona fide private club or other place or establishment that is
7 by its nature and use distinctly private; and

8 D. "single-user toilet facility" means a single-
9 occupancy restroom with an outer door that can be locked by the
10 occupant.

11 SECTION 3. [NEW MATERIAL] PUBLIC FACILITY AVAILABILITY.--

12 A single-user toilet facility in a public accommodation shall
13 be:

14 A. made available to any person regardless of
15 gender identity or sex;

16 B. designated for use by not more than one occupant
17 at a time or for family or assisted use; and

18 C. identified with gender-neutral signage.

19 SECTION 4. EFFECTIVE DATE.--The effective date of the
20 provisions of this act is July 1, 2019.

22
23
24
25