



# APRIL HARTFORD

Transgender - One Person's Journey

## Bathrooms and other legal issues

**20 states (including New Mexico), D.C.,\* and at least 225 U.S. cities and counties† have laws banning discrimination based on gender identity/expression.**

**18 of those states, plus D.C., ban discrimination from areas of public accommodation.‡**

**In 30 states, it's legal to fire someone for being transgender.\***

Public restrooms are places where trans people feel unsafe—for good reason. Whether they use the women's or the men's room, they are vulnerable to harassment and physical attacks by bullies and bigots. Some avoid public bathrooms completely and develop health problems.

Trans people just want to be able to use their preferred bathroom safely. They aren't pedophiles; they aren't going to expose themselves; they aren't trying to get a look. They just want to use the toilet and get out of there! It's not just bathrooms—all sex-segregated facilities pose a major problem for trans people, including locker rooms, dressing rooms, shelters, jails, and treatment facilities. Public accommodation is a front-line issue in the struggle to end discrimination against trans people.

Even in the 18 states with antidiscrimination laws mentioning public accommodation, the rights of trans people to use the appropriate facility are not guaranteed. In court challenges, employers and private businesses like bars and restaurants have been allowed to dictate restroom policy for trans employees and customers. However, some court challenges have spurred positive change. Today in New York City, no one can be forced to use a facility that does not match their gender identity.

Even the strictest antidiscrimination laws only require single-occupancy restrooms to have signage indicating they are gender neutral. Currently, no laws require multiple-stall restrooms to accommodate transgender people.

***"I just wanna go pee folks,  
I just wanna go pee."***

*~ April Hartford  
(and every transgender person ever)*

### **Current U.S. federal laws:**

- Prohibit hate crimes against trans people
- Extend employment protections to federal employees on the basis of gender identity

In February 2017, the Trump administration rolled back Obama-era Title IX protections that allowed trans students to use restrooms and locker rooms and participate in activities consistent with their gender identity.§ Since 2015, there has been a significant increase in the number of "bathroom bills" and "religious freedom bills" introduced in local and state governments.||

The Employment Non-Discrimination Act of 2013 sought to prohibit discrimination in hiring and employment on the basis of sexual orientation or gender identity. ENDA passed the Senate, but House Republican leadership refused to bring it to a vote.¶

### **Definitions**

**bathroom bill** - A right-wing term for anti-discrimination laws that protect trans people. Designed to incite bathroom panic.

**bathroom panic** - A right-wing strategy using fear tactics—such as spreading false stories about trans people committing acts of indecent exposure in public bathrooms—to defeat anti-discrimination legislation.

**public accommodation** - Businesses that serve the general public, such as restaurants, theaters, and stores. Laws covering these businesses pertain to their facilities, including bathrooms and dressing rooms.

\*The American Civil Liberties Union, "Past LGBT Nondiscrimination and Anti-LGBT Bills Across the Country," last updated December 2016.

†Human Rights Campaign, "Cities and Counties with Non-Discrimination Ordinances That Include Gender Identity," last updated Jan. 28, 2016.

‡National Conference on State Legislatures, "State Public Accommodations Laws," July 13, 2016.

§"Trump Rescinds Rules on Bathrooms for Transgender Students," *The New York Times*, Feb. 22, 2017.

||National Coalition of Anti-Violence Programs, "Hate Violence Against Lesbian, Gay, Bisexual, Transgender, Queer and HIV-Affected Communities in 2015," June 14, 2016.

¶S.815—Employment Non-Discrimination Act of 2013, [Congress.gov](http://Congress.gov).