

1 Sec. 1. 18 V.S.A. chapter 40 is added to read:

2 CHAPTER 40. RESTROOMS

3 § 1791. DEFINITIONS

4 As used in this chapter:

5 (1) “Place of public accommodation” has the same meaning as used in
6 9 V.S.A. § 4501.

7 (2) “Public building” has the same meaning as used in 20 V.S.A.
8 § 2730.

9 (3) “Single-user toilet facility” means a toilet facility with no more than
10 one water closet and one urinal with a locking mechanism controlled by the
11 user.

12 /ALTERNATIVE (3)/ “Single-user toilet facility” means a single-
13 occupancy restroom with at least one water closet and with an outer door that
14 can be locked by the occupant.

15 § 1792. SINGLE-USER RESTROOMS

16 (a) ~~Notwithstanding any other provision of law,~~ any single-user toilet
17 facility in a public building or place of public accommodation shall be made
18 available for use by persons of any gender, and designated for use by no more
19 than one occupant at a time or for family or assisted use. A single-user toilet
20 facility may be identified by a sign, provided that the sign marks the facility as
21 a restroom and does not indicate any specific gender.

Comment [EK1]: Alternative definition of “single-user toilet facility to match language from 2011 Act 40, Sec. 34.

We reexamined this definition and proposed an alternative because of two concerns:

- (1) whether the definition in the house version might be read to allow a single-user toilet facility with only a urinal to be designated a single-user restroom;
- (2) whether the definition in the house version might be read to refer to individual toilet stalls.

Comment [EK2]: We suggest adding this just in case of other provisions in law that give authority or create rules on this issue.

For example, 24 V.S.A. § 5003 gives municipalities powers to regulate “dwellings” which can overlap with public buildings.

1 (b) The Commissioner of Public Safety may inspect for compliance under
2 subsection (a) of this section during any inspection conducted pursuant to
3 20 V.S.A. § 2731(b) or 26 V.S.A. § 2173 or § 2174.

4 § 1793. APPLICATION OF PLUMBING RULES

5 (a) Notwithstanding the requirements of any plumbing code adopted by the
6 Plumber’s Examining Board under 26 V.S.A. § 2173(a), a toilet facility may
7 be designated for use by persons of any gender. No separate male or female
8 facility is required if the total number of required plumbing fixtures is provided
9 by toilet facilities designated for use by persons of any gender.

10 (b) When the total number of required plumbing fixtures in a plumbing
11 code adopted by the Plumber’s Examining Board under 26 V.S.A. § 2173(a) is
12 fixed separately for women and men:

13 * * * OPTION ONE (RULEMAKING) * * *

14 The Plumber’s Examining Board shall make rules to govern how plumbing
15 fixtures in toilet facilities designated for use by persons of any gender shall
16 contribute to the total number of plumbing fixtures required by the plumbing
17 code.

18 * * * OPTION TWO (MORE DIRECTION) * * *

19 Lavatories, water closets, and urinals in toilet facilities designated for use by
20 persons of any gender shall contribute to the required totals for women and
21 men respectively in proportion to the total number required for women and

Comment [EK3]: Suggest adding these because they reference inspections with regard to plumbing rules.

Comment [EK4]: New section to address plumbing rules.

Comment [EK5]: This is the language to get around the IPC rules on the numbers of toilets for men and women and the IPC rule that requires separate facilities for men and women.

Comment [EK6]: This subsection is to address the fixture counting issues that arise in adapting the IPC to allowing gender free bathrooms.

1 men by the plumbing code, or as close thereto as possible, except that urinals
2 shall contribute only to the total number required for men and may not exceed
3 the number of urinals allowed under the plumbing code. The Plumber's
4 Examining Board shall make rules as necessary to aid in compliance with this
5 subsection.

6 * * * **Conforming Changes** * * *

Comment [EK7]: Sections 3 and 4 are suggested minor conforming additions.

7 Sec. 3. 26 V.S.A. § 2173 is amended to read:

8 § 2173. RULES ADOPTED BY THE BOARD

9 (a) The plumber's examining board may, pursuant to the provisions of 3
10 V.S.A. chapter 25 (Administrative Procedure Act), make and revise such
11 plumbing rules as necessary for protection of the public health, except that no
12 rule of the board may require the installation or maintenance of a water heater
13 at a minimum temperature. To the extent that a rule of the board conflicts with
14 this subsection or with Chapter 40 of Title 18, that rule shall be invalid and
15 unenforceable. The rules shall be in effect in every city, village, and town
16 having a public water system or public sewerage system and apply to all
17 premises connected to the systems and all public buildings containing
18 plumbing or water treatment and heating specialties whether they are
19 connected to a public water or sewerage system. The local board of health and
20 the commissioner of public safety shall each have authority to enforce these
21 rules. The rules shall be limited to minimum performance standards

Comment [EK8]: We added this reference to make it clear the Board cannot make rules conflicting with the gender-free bathroom rules.

1 reasonably necessary for the protection of the public against accepted health
2 hazards. The board may, if it finds it practicable to do so, adopt the provisions
3 of a nationally recognized plumbing code.

4 * * *

5 Sec. 4. 26 V.S.A. § 2174 is amended to read:

6 § 2174. MUNICIPAL RULES AND REGULATIONS; MUNICIPAL
7 INSPECTIONS

8 (a) The legislative body may establish inspection procedures and appoint
9 trained, qualified master plumbers to conduct municipal inspections. If the
10 board determines that the inspection procedures, training, and qualifications of
11 the municipal plumbing inspectors are sufficient, the commissioner may assign
12 the responsibility to inspect plumbing installations within the municipality to
13 the municipality. Municipal inspection standards shall be, at a minimum,
14 equal to state standards. Municipal standards may exceed state standards with
15 approval of the board. Municipal standards shall not prohibit implementation
16 of Chapter 40 of Title 18. An assignment of responsibility under this
17 subsection shall not affect the authority of the board or the commissioner under
18 this subchapter.

19 * * *

20 Sec. 5. EFFECTIVE DATE

21 This act shall take effect on July 1, 2017.

Comment [EK9]: Added to ensure municipalities do not upset the scheme.

Comment [EK10]: Will need updating.