



**Frequently Asked Questions (FAQ):
Gender Free Bathrooms – Act 127
February 2020**

What is Act 127? This is a state law that took effect on July 1, 2018. All single-user bathrooms in public buildings or places of public accommodation shall be labeled “restroom” or “bathroom” and be made available for use by persons of any gender. This includes single-user restrooms designated for family or assisted use (persons with disabilities).

What is a single-user bathroom? The law defines it as: “a single-occupancy restroom with at least one water closet (toilet) and an outer door that can be locked by the occupant.” The law does not apply to facilities that do not lock and have more than one toilet stall in the restroom.

What is the definition of a place of public accommodation? Any school, restaurant, store, establishment, or other facility at which services, facilities, goods, privileges, advantages, benefits or accommodations are offered to the general public. Basically, it encompasses any and all businesses that offer goods or services to the general public.

Can I still have restrooms that are labeled just for men and women? Yes, if they are intended for use by multiple people at once (“multiple-use facilities”).

What signage is appropriate? If the facility is a single-user bathroom and is *not* wheelchair accessible, it should be identified with a simple ‘RESTROOM’ sign that includes braille characters. If the facility *is* wheelchair accessible, it should be marked ‘RESTROOM’ and include both braille characters and the universal sign of access (see diagram on following page).

Unlawful



Lawful



Why was this law passed? Legislative testimony by individuals whose gender identity does not correspond to their gender assigned at birth explained that the labeling of restrooms as “men” or “women” often led to harassment or discomfort. Those individuals might choose not to use a gendered restroom or would actively seek out businesses where restrooms were not labeled by gender in order to feel comfortable using the facilities. Testimony by individuals with disabilities described similar issues when their caregiver or aide was of a different gender than their own.

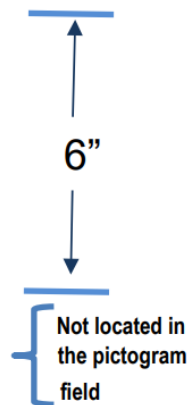
Who enforces this law? The Department of Public Safety’s Fire Safety Division has authority to inspect for compliance. The Vermont Human Rights Commission has jurisdiction to investigate complaints by persons who have a disability, or who are associated with a person with a disability, or by individuals making the complaint on the basis of their gender identity.

Why are these groups singled out for special privileges?

This law is not about special privileges, it’s about equal access. Vermont’s Fair Housing and Public Accommodations Act and other anti-discrimination laws provide additional protections to individuals in “socially marginalized” groups in order to level the playing field and provide for equal access. In addition, providing bathrooms that are gender free benefits everyone, as it allows anyone to use an available restroom instead of requiring someone to wait until a restroom designated only for a specific gender becomes available.

Are there any other requirements for the signs?

Yes. When the restroom signs include pictograms, they must have a minimum height of 6 inches. In addition, pictograms and their field shall have a non-glare finish and shall contrast with their field (either with a light pictogram on a dark field or a dark pictogram on a light field). The text and braille descriptors must be located outside of the pictogram. Each of these requirements improves accessibility for individuals with low vision.



Who can I contact with more questions?

Reach out to the Vermont Human Rights Commission. We can be reached via email (human.rights@vermont.gov) or by phone (802-828-2480).

For additional information, or to report a violation of this law, please visit our website: hrc.vermont.gov/genderfreerestrooms