



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB1286

Introduced 1/31/2023, by Rep. Katie Stuart and Daniel Didech

#### SYNOPSIS AS INTRODUCED:

410 ILCS 35/20

from Ch. 111 1/2, par. 3751-20

410 ILCS 35/30 new

Amends the Equitable Restrooms Act. Provides that, notwithstanding any other provision of law, any multiple-occupancy restroom may be identified as an all-gender multiple-occupancy restroom and designated for use by any person of any gender. Requires that an all-gender multiple-occupancy restroom must include specified signage, stall dividers, and partitions for urinals. Provides that any multiple-occupancy restroom may be converted into an all-gender multiple-occupancy restroom. Provides that, if a facility commences construction, or commences alterations exceeding 50% of the facility, and implements an all-gender multiple-occupancy restroom, the all-gender multiple-occupancy restroom must satisfy or include specified requirements. Requires certain newly constructed or previously existing restrooms to be designated as all-gender multiple-occupancy restrooms. Provides that when plumbing fixtures in a facility must meet female-to-male ratio requirements, each individual fixture in an all-gender multiple-occupancy restroom may be counted toward the required number of either female or male toilet stalls. Provides that if a fixture is counted toward the minimum required fixtures for females, that same fixture shall not also be counted toward the minimum required fixtures for males, and if a fixture is counted toward the minimum required fixtures for males, that same fixture shall not also be counted toward the minimum required fixtures for females. Provides that during any inspection of a facility by a health officer, health inspector, or building inspector, the health officer, health inspector, or building inspector may inspect the facility to determine whether it complies with the provisions. Requires the Department of Public Health to adopt rules to implement the provisions. Defines "multiple-occupancy restroom". Contains other provisions. Makes other changes. Effective immediately.

LRB103 25052 CPF 51387 b

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Equitable Restrooms Act is amended by  
5 changing Section 20 and by adding Section 30 as follows:

6 (410 ILCS 35/20) (from Ch. 111 1/2, par. 3751-20)

7 Sec. 20. Application. Except for Sections ~~Section~~ 25 and  
8 30, this Act applies only to places of public accommodation  
9 that commence construction, or that commence alterations  
10 exceeding 50% of the entire place of public accommodation,  
11 after the effective date of this Act.

12 (Source: P.A. 101-165, eff. 1-1-20.)

13 (410 ILCS 35/30 new)

14 Sec. 30. All-gender multiple-occupancy restrooms.

15 (a) The purpose of this Section is to promote the privacy,  
16 safety, and gender inclusivity of all Illinois residents and  
17 visitors. This Section shall be liberally construed to carry  
18 out this purpose.

19 (b) In this Section, "multiple-occupancy restroom" means a  
20 room or suite of rooms containing at least one sink and at  
21 least 2 sanitary fixtures, such as toilets or urinals,  
22 intended for simultaneous use by 2 or more occupants.

1        (c) Notwithstanding any other provision of law, any  
2 multiple-occupancy restroom may be identified as an all-gender  
3 multiple-occupancy restroom and designated for use by any  
4 person of any gender. An all-gender multiple-occupancy  
5 restroom must include the following:

6            (1) Inclusive signage that is prominently displayed at  
7 the exterior of the multiple-occupancy restroom for all  
8 who are entering the restroom, that does not indicate any  
9 specific gender, and that indicates any component that is  
10 present in the multiple-occupancy restroom and is required  
11 under this subsection or subsection (e).

12            (2) Stall dividers equipped with a sturdy and  
13 functioning locking mechanism controlled by the user and a  
14 partition privacy cover or strip that ensures that no one  
15 is able to see through the space between the stall divider  
16 and door.

17            (3) Partitions for each urinal, if a urinal is  
18 present.

19        (d) Any multiple-occupancy restroom may be converted into  
20 an all-gender multiple-occupancy restroom. If a  
21 multiple-occupancy restroom is to be converted into an  
22 all-gender multiple-occupancy restroom and a  
23 multiple-occupancy restroom serving a different gender is  
24 located adjacent or in proximity to the all-gender  
25 multiple-occupancy restroom, then both multiple-occupancy  
26 restrooms must be converted into all-gender multiple-occupancy

1 restrooms.

2 (e) If a facility commences construction, or commences  
3 alterations exceeding 50% of the facility, and implements an  
4 all-gender multiple-occupancy restroom, the all-gender  
5 multiple-occupancy restroom must, in addition to the  
6 requirements of subsection (c):

7 (1) satisfy all accessibility requirements set forth  
8 by the federal Americans with Disabilities Act of 1990, as  
9 amended, and the Illinois Accessibility Code (71 Ill. Adm.  
10 Code 400);

11 (2) include a small trash receptacle with a cover in  
12 each toilet stall;

13 (3) include at least one vending device of  
14 menstruation supplies; and

15 (4) include at least one baby diaper changing station.

16 (f) If an all-gender multiple-occupancy restroom is newly  
17 constructed, any newly constructed multiple-occupancy restroom  
18 located adjacent or in proximity to the newly constructed  
19 all-gender multiple-occupancy restroom must also be designated  
20 as an all-gender multiple-occupancy restroom.

21 (g) When plumbing fixtures in a facility are otherwise  
22 required to meet female-to-male ratio requirements, including,  
23 but not limited to, the requirements under Section 15 or the  
24 minimum fixture requirements adopted under the Illinois  
25 Plumbing License Law, each individual fixture in an all-gender  
26 multiple-occupancy restroom may be counted toward the required

1 number of either female or male fixtures until the minimum  
2 requirement is met. If a fixture is counted toward the minimum  
3 required fixtures for females, that same fixture shall not  
4 also be counted toward the minimum required fixtures for  
5 males. If a fixture is counted toward the minimum required  
6 fixtures for males, that same fixture shall not also be  
7 counted toward the minimum required fixtures for females.

8 This subsection shall not be construed to allow any  
9 violation of female-to-male ratio requirements set forth by  
10 this Act.

11 (h) During any inspection of a facility by a health  
12 officer, health inspector, or building inspector, the health  
13 officer, health inspector, or building inspector may inspect  
14 the facility to determine whether it complies with this  
15 Section, if it is required to do so.

16 (i) The Department of Public Health shall adopt rules to  
17 implement this Section.

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.