

SB3792



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3792

Introduced 2/9/2024, by Sen. Mike Simmons

SYNOPSIS AS INTRODUCED:

410 ILCS 35/30

Amends the Equitable Restrooms Act. Provides that any multiple-occupancy restroom must be identified as an all-gender multiple-occupancy restroom and designated for use by any person of any gender. Removes the requirement that any newly constructed multiple-occupancy restroom located adjacent or in proximity to a newly constructed all-gender multiple-occupancy restroom must also be designated as an all-gender multiple-occupancy restroom. Provides that any existing or future places of public accommodation or public buildings are subject to the requirements regarding all-gender multiple-occupancy restrooms. Effective January 1, 2027.

LRB103 37195 CES 67314 b

A BILL FOR

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 30 as follows:

6 (410 ILCS 35/30)

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

8 (a) The purpose of this Section is to promote the privacy,
9 safety, and gender inclusivity of all Illinois residents and
10 visitors. This Section shall be liberally construed to carry
11 out this purpose.

12 (b) In this Section, "multiple-occupancy restroom" means a
13 room or suite of rooms, intended for simultaneous use by 2 or
14 more occupants, containing at least one sink and at least 2
15 toilets.

16 (c) Notwithstanding any other provision of law, any
17 multiple-occupancy restroom must ~~may~~ be identified as an
18 all-gender multiple-occupancy restroom and designated for use
19 by any person of any gender. An all-gender multiple-occupancy
20 restroom must include the following:

21 (1) Inclusive signage that is prominently displayed at
22 the exterior of the multiple-occupancy restroom for all
23 who are entering the restroom, that does not indicate any

1 specific gender, and that indicates any component that is
2 present in the multiple-occupancy restroom and is required
3 under this subsection or subsection (e).

4 (2) Floor-to-ceiling stall dividers equipped with a
5 sturdy and functioning locking mechanism controlled by the
6 user and a partition privacy cover or strip that ensures
7 that no one is able to see through the space between the
8 stall divider and door.

9 An all-gender multiple-occupancy restroom shall not
10 contain urinals.

11 (d) Any multiple-occupancy restroom must ~~may~~ be converted
12 into an all-gender multiple-occupancy restroom. ~~If a~~
13 ~~multiple occupancy restroom is to be converted into an~~
14 ~~all gender multiple occupancy restroom and a~~
15 ~~multiple occupancy restroom serving a different gender is~~
16 ~~located adjacent or in proximity to the all gender~~
17 ~~multiple occupancy restroom, then both multiple occupancy~~
18 ~~restrooms must be converted into all gender multiple occupancy~~
19 ~~restrooms.~~

20 (e) When ~~If~~ a facility converts any multiple-occupancy
21 restroom into an all-gender multiple-occupancy restroom ~~or~~
22 ~~commences construction, or commences alterations exceeding 50%~~
23 ~~of the facility, and implements an all gender~~
24 ~~multiple occupancy restroom,~~ the all-gender
25 multiple-occupancy restroom must, in addition to the
26 requirements of subsection (c):

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

5 (2) include a small trash receptacle with a cover in
6 each toilet stall;

7 (3) include at least one vending device of
8 menstruation supplies; and

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

10 (f) This Section applies to any existing or future places
11 of public accommodation or public buildings. ~~If an all-gender~~
12 ~~multiple-occupancy restroom is newly constructed, any newly~~
13 ~~constructed multiple-occupancy restroom located adjacent or in~~
14 ~~proximity to the newly constructed all-gender~~
15 ~~multiple-occupancy restroom must also be designated as an~~
16 ~~all-gender multiple-occupancy restroom.~~

17 (g) When plumbing fixtures in a facility are otherwise
18 required to meet female-to-male ratio requirements, including,
19 but not limited to, the requirements under Section 15 or the
20 minimum fixture requirements adopted under the Illinois
21 Plumbing License Law, each individual fixture in an all-gender
22 multiple-occupancy restroom may be counted toward the required
23 number of either female or male fixtures until the minimum
24 requirement is met. If a fixture is counted toward the minimum
25 required fixtures for females, that same fixture shall not
26 also be counted toward the minimum required fixtures for

1 males. If a fixture is counted toward the minimum required
2 fixtures for males, that same fixture shall not also be
3 counted toward the minimum required fixtures for females.

4 This subsection shall not be construed to allow any
5 violation of female-to-male ratio requirements set forth by
6 this Act.

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

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

14 (Source: P.A. 103-518, eff. 8-11-23.)

15 Section 99. Effective date. This Act takes effect January
16 1, 2027.