

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 972

Short Title: Restroom Equity Act. (Public)

Sponsors: Senators Cowell; Boseman, Dorsett, Garrou, Hagan, Kinnaird, and Preston.

Referred to: Commerce, Small Business and Entrepreneurship.

March 20, 2007

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE EQUITY IN THE NUMBER OF WOMEN'S AND MEN'S
2 BATHROOMS.
3

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Declaration of legislative findings and intent. Almost every
6 woman can recall waiting in a long line to use the bathroom, while there was no
7 comparable line for a neighboring men's bathroom. According to studies on patterns of
8 behavior in the use of bathrooms, it frequently takes women twice as long to use the
9 bathroom as it does men. The 2003 International Building Code requires approximately
10 twice as many water closets for women as for men in arenas, bars, concert halls,
11 convention halls, motion picture theatres, public dance halls, stadiums, and theatres.
12 Numerous jurisdictions, including California, Minnesota, Pennsylvania, Tennessee,
13 Texas, and Washington, have enacted restroom equity laws. The lack of equality
14 between men and women results in the continuation of inconveniences seemingly
15 directed at women. The General Assembly seeks to address this disparity by enacting
16 this legislation. Accordingly, the General Assembly finds it reasonable and necessary to
17 require that arenas, bars, concert halls, convention halls, motion picture theatres, public
18 dance halls, stadiums, and theatres provide sufficient women's bathroom facilities.

19 **SECTION 2.** Definitions. For the purposes of this act, the following
20 definitions apply:

- 21 (1) "Bar" means a business establishment or any portion of a nonprofit
22 entity, which is devoted to the selling and serving of alcoholic
23 beverages for consumption by the public, guests, patrons, or members
24 on the premises and in which the serving of food, if served at all, is
25 only incidental to the sale or consumption of such beverages. For "bar"
26 includes: (i) a restaurant bar; and (ii) any area located in a hotel or
27 motel, which is devoted to the selling and serving of alcoholic
28 beverages for consumption by the public, guests, patrons, or members

1 on the premises and in which the serving of food, if at all, is only
 2 incidental to the sale or consumption of alcoholic beverages. For the
 3 purposes of this subdivision: (i) service of food shall be considered
 4 incidental to the sale or consumption of alcoholic beverages if the food
 5 service generates less than forty percent (40%) of total annual gross
 6 sales, and (ii) any business establishment or any portion of a nonprofit
 7 entity which is devoted to the selling and serving of alcoholic
 8 beverages for consumption by the public, guests, patrons, or members
 9 on the premises that generates forty percent (40%) or more of total
 10 annual gross sales from the sale of food for on-premises consumption
 11 shall be a restaurant.

- 12 (2) "Convention hall" shall mean any building or space utilized, during the
 13 major period of occupancy, for the holding of exhibitions or
 14 conventions.
- 15 (3) "Public dance hall" shall mean any building or space utilized, during
 16 the major period of occupancy, for dancing, and where alcoholic
 17 beverages are permitted to be served.
- 18 (4) "Specified place of public assembly" shall mean any arena, bar,
 19 concert hall, convention hall, motion picture theatre, public dance hall,
 20 stadium, or theatre open to the general public.

21 **SECTION 3.** Notwithstanding any other provision of law, the provisions of
 22 this act shall apply to any bathroom open to the general public in any specified place of
 23 public assembly:

- 24 (1) In a new building or space.
- 25 (2) In an existing building or space that has been altered where the
 26 alteration of the building or space results in a change in the occupancy
 27 group classification of the building or space.
- 28 (3) That is altered where the cost of making alterations in any 12-month
 29 period shall exceed thirty percent (30%) of the value of such building
 30 or space, provided such bathroom is part of the work area of such
 31 alterations.
- 32 (4) That is altered where the cost of making alterations in any 12-month
 33 period shall exceed fifty percent (50%) of the value of such building or
 34 space.

35 **SECTION 4.(a)** The number of water closets required for any specified
 36 place of public assembly shall be:

Number of Persons	Number of Water Closets for Men	Number of Water Closets for Women
1-150 ^a	1	2
151-300	2	4
301-450	3	6

1 **SECTION 4.(b)** The requirements for the number of water closets for
2 occupancy by 150 persons or less shall not apply to bars except that there shall be at
3 least one water closet for men and at least one water closet for women or an equivalent
4 number of single occupancy, locking bathrooms that do not designate usage by gender.

5 **SECTION 4.(c)** For occupancy by more than 450 persons, there shall be one
6 water closet for men and two water closets for women for each additional 300 persons.
7 The population used to determine the number of water closets required shall be based on
8 the number of people to occupy the space; provided, however, that in no case shall the
9 population be deemed less than that determined by allowing 125 square feet of floor
10 area per person.

11 **SECTION 5.** Urinals may be provided in bathrooms in lieu of water closets
12 but the number shall not exceed fifty percent (50%) of the required number of water
13 closets.

14 **SECTION 6.** Single occupancy, locking bathrooms that do not designate
15 usage by gender may be provided in lieu of separate bathrooms for men and women.

16 **SECTION 7.** This act is only intended to change the ratio of men's and
17 women's water closets required, and is not intended to require more than one water
18 closet per 50 persons for occupancy by 450 persons or less, or more than one water
19 closet per 100 persons for occupancy by more than 450 persons.

20 **SECTION 8.(a)** The Commissioner of Insurance may waive the
21 requirements of this act for the alteration of existing buildings; provided, however, that
22 such waiver is based upon a specific finding that strict compliance with these
23 requirements would:

- 24 (1) Create an undue economic burden;
- 25 (2) Not achieve its intended objective;
- 26 (3) Be physically or legally impossible;
- 27 (4) Be unnecessary in light of alternatives which ensure the achievement
28 of the intended objective or which achieve the intended objective more
29 efficiently, effectively, or economically; or
- 30 (5) Entail a change so slight as to produce a negligible additional benefit
31 consonant with the purposes of this act.

32 **SECTION 8.(b)** Each application for a waiver under subsection (a) of this
33 section shall be made to the Commissioner in writing, setting forth each requirement
34 sought to be waived and the specific reason or reasons therefor. The Commissioner shall
35 determine, under all of the circumstances presented by such application, which of such
36 requirements may appropriately be waived. The Commissioner shall render such
37 determination in a writing which shall set forth in detail the Commissioner's findings
38 and conclusions with respect to each requirement sought to be waived. A copy of such
39 written determination shall be forwarded to the applicant. Such written determination
40 shall be filed with the Department and is a public record.

41 **SECTION 9.** This act becomes effective December 1, 2007.