

HOUSE BILL 388

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Angelica Rubio

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO Hf1→**PUBLIC**←Hf1 Hf1→**EXISTING OR NEWLY CONSTRUCTED**
SINGLE-OCCUPANCY←Hf1 FACILITIES; MAKING PUBLIC RESTROOMS
Hf1→**IN A PUBLIC ACCOMMODATION**←Hf1 ACCESSIBLE REGARDLESS OF
GENDER IDENTITY OR SEX.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Gender-Free Restrooms Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Gender-Free Restrooms Act:

.212114.2

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[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

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A. "gender identity" means a person's self-perception, or perception of that person by another, of the person's identity as a male or female based upon the person's appearance, behavior or physical characteristics that are in accord with or opposed to the person's physical anatomy, chromosomal sex or sex at birth;

B. "gender-neutral signage" means a sign that indicates a restroom without preference or distinction to a specific gender identity or sex;

C. "public accommodation" means any establishment that provides or offers its services, facilities, accommodations or goods to the public, but does not include a bona fide private club or other place or establishment that is by its nature and use distinctly private; and

D. "single-user toilet facility" means a single-occupancy restroom with an outer door that can be locked by the occupant.

SECTION 3. [NEW MATERIAL] PUBLIC FACILITY AVAILABILITY.—

Hf1→A.←Hf1 A single-user toilet facility Hf1→that exists or is constructed on or after July 1, 2019←Hf1 in a public accommodation shall be:

Hf1→A. (1)←Hf1 made available to any person regardless of gender identity or sex;

Hf1→B. (2)←Hf1 designated for use by not more than one occupant at a time or for family or assisted use; and

Hf1→C. (3)←Hf1 identified with gender-neutral

.212114.2

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signage.

Hf1→**B. Nothing in this section shall be construed to require construction of a new, single-user toilet facility if one does not exist in a public accommodation.**←Hf1

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2019.

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.212114.2