

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

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

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

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

SECTION 2. DEFINITIONS.--As used in the Gender-Free
Restrooms Act:

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

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

4 **SECTION 3. PUBLIC FACILITY AVAILABILITY.--**

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

8 (1) made available to any person regardless
9 of gender identity or sex;

10 (2) designated for use by not more than one
11 occupant at a time or for family or assisted use; and

12 (3) identified with gender-neutral signage.

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

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