

BULLETIN: IDENTIFICATION OF SINGLE-USER TOILET FACILITIES AS ALL-GENDER: FREQUENTLY ASKED QUESTIONS

PURPOSE: This bulletin is a supplement to [BU 17-01](#) and is provided to assist facility operators and design professionals who design facilities under the jurisdiction of DSA in interpreting the requirements of HSC 118600.

DISCUSSION: Health and Safety Code Section 118600 requires:

- a) All single-user toilet facilities in any business establishment, place of public accommodation, or state or local government agency shall be identified as all-gender toilet facilities by signage that complies with Title 24 of the California Code of Regulations, and designated for use by no more than one occupant at a time or for family or assisted use.
- b) During any inspection of a business or a place of public accommodation by an inspector, building official, or other local official responsible for code enforcement, the inspector or official may inspect for compliance with this section.
- c) For the purposes of this section, “single-user toilet facility” means a toilet facility with no more than one water closet and one urinal with a locking mechanism controlled by the user.
- d) This section shall become operative on March 1, 2017.

FOLLOWING IS A LIST OF FREQUENTLY ASKED QUESTIONS:

In applying this statute to existing facilities, how does HSC section 118600 reconcile with the provisions in the California Building Standards Code (CBCS)?

According to Assembly analysis:

Assembly Bill 1732 does not change existing laws with respect to the number of, specifications for, or other facility requirements for restrooms that a business or entity must comply with under the existing CBC or current local ordinances, but changes the restroom identification and availability of use.

This bill does not require businesses to add or remove existing restroom facilities or alter current restroom structures; it simply requires a single-user toilet facility (meant for one single-user occupant at a time) to be made available to any person, regardless of a person's gender designation. Enforcement of this bill is delegated to a health officer or inspector, at the local level, but does not require those inspectors to do so.

Statutory text indicates that this law applies to all single-user toilet facilities in any state or local government agency, and therefore applies to single-user toilet facilities in California public schools, community colleges, and state-owned facilities.

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In applying this statute to new facilities designed or submitted for permit after March 1, 2017, how does HSC 118600 reconcile with the provisions of the CBSC?

The Assembly analysis expressly indicates that AB1732 only changes the restroom access designation. In designing facilities, DSA recommends that standard procedures in the application of all the requirements of the CBSC are followed, and that the requirements of HSC 118600 are applied last. There are many reasons for this:

1. Intent expressed in the Assembly analysis which indicates that compliance under the existing provisions of the CBSC is required.
2. Consistency for all facilities in the interpretation of the requirements.
3. Maintaining the required amount of accessible facilities, which could be reduced if single-user facilities are designated as available for all users prior to meeting the requirements of the California Plumbing Code for separate facilities.

Is a single-user toilet facility required to be provided by a business establishment, place of public accommodation, or state or local government agency?

No. For existing facilities, the law states that a gender-specific single-user toilet facility, if provided, must be identified as available for all genders. The law does not require a single-user toilet facility available to all genders to be constructed if a gender-specific single-user facility does not already exist.

For new facilities, the Assembly Analysis is clear that the existing requirements of the CBSC should be followed prior to designating gender-specific single-user toilet facilities as available to all genders. If the CBSC does not require a single-user toilet facility to be constructed, then a single-user toilet facility does not need to be provided. However, in consideration of the need expressed in the statute for accommodating parents and caregivers of opposite genders, and for accommodating transgender individuals, facility owners may want to consider exceeding the minimum requirements of the CBSC when designing new facilities to provide a single-user toilet facility available to all genders where one is not required.

Is a single-user facility designated for use by all genders required to be made available for all user groups?

No. A specific group of users can still be applied to single-user toilet facilities, provided the group is not specific to gender. For example, in a school setting, a staff single-user toilet facility can still be reserved for staff use only, provided its use is made available to staff of all genders.

The requirements identify a single-user facility as a toilet facility with no more than one water closet and one urinal with a locking mechanism controlled by the user. How does this requirement apply to a facility if the one toilet is provided in a toilet compartment and separated from the lavatory?

There are two toilet room configurations to which this statute may apply:

1. A toilet facility with one toilet and one lavatory, with a locking mechanism on the door to the toilet facility controlled by the user.
2. A toilet facility with one toilet, one urinal, and one lavatory, with a locking mechanism on the door to the toilet facility controlled by the user.

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The statute text does not indicate that this law applies to the following configurations:

1. Any type of bathing facility.
2. A toilet facility with one toilet in a compartment with a latch, a lavatory not in the compartment, and no privacy lock on the door to the toilet room.
3. A toilet facility with one toilet in a compartment, a lavatory and a urinal not in the compartment, and no privacy lock on the door to the toilet room.

The statute identifies a single-user facility differently than Chapter 11B of the California Building Code (CBC). How do I determine the correct application of the requirements?

This statute does not address an accessibility requirement for individuals with disabilities. The scoping provisions and definition of a single-user facility according to the accessibility provisions of Chapter 11B of the CBC are provided to address the technical requirements in Chapter 11B of the toilet facility for accessibility purposes. The definition of a single-user toilet facility in Chapter 11B of the CBC is not applicable to interpreting this law regarding the toilet room configuration for identification purposes.

If my toilet facility has the unisex geometric symbol on the door and wall signs with pictograms of a man and a woman, am I required to change the geometric symbols and wall sign?

This statute requires single-user toilet facilities to be available for use by all genders. If an existing toilet facility bears the unisex door symbol, it is already identified for use by all genders, and likely requires no change in identification.

Does this statute apply only to accessible single-user toilet facilities?

No. In California, all doorways and entryways to toilet facilities are required to have a door identification geometric symbol, compliant to the CBC, whether or not the facility is accessible to individuals with disabilities. The geometric symbols identify the facility use: a circle for women's facilities, a triangle for men's facilities, or a triangle superimposed on a circle, known as the "unisex" symbol, for facilities available to all users regardless of gender. An International Symbol of Accessibility (ISA) is not required to be provided if all restrooms at the facility are accessible. The CBC requires that where not all restroom facilities provided are accessible, an ISA is required to be provided to identify the accessible facilities. This ISA can be on the accompanying wall sign, if provided, or on the door geometric symbols.

How do I make sure the new signs and geometric symbols I purchase are compliant, and how do I install them correctly?

The requirements for door geometric symbols and wall signs that identify toilet facilities are in the CBC. Please use this link to access the [2016 CBC, Part 2 Volume 1](#). On the page, please access the link for "Chapter 11B – Accessibility to Public Buildings, Public Accommodations, Commercial Buildings, and Public Housing."

The scoping provisions for door geometric symbols are in 11B-216.8, and the technical requirements for door geometric symbols are in 11B-703.7.2.6.

The scoping provisions for wall signs identifying permanent rooms and spaces, if provided, are in 11B-216.2. The technical requirements for wall signs include 11B-703.1, 11B-703.2, 11B-703.3, 11B-703.4, and 11B-703.5. If pictograms are included on wall signs, pictograms shall comply with 11B-703.6. An ISA, if required, shall comply with 11B-703.7.1 and 11B-703.7.2.1.