

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**SENATE DRS75292-LB-136 (2/16)**

Short Title: Restroom Equity Act.

(Public)

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Sponsors: Senator Cowell.

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Referred to:

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A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

Number of Persons	Number of Water Closets for Men	Number of Water Closets for Women
1-150 <sup>a</sup>	1	2
151-300	2	4

301-450	3	6
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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.