

**MINUTES OF THE  
SENATE COMMITTEE ON COMMERCE AND LABOR**

**Eighty-first Session  
May 29, 2021**

The Senate Committee on Commerce and Labor was called to order by Chair Pat Spearman at 9:10 a.m. on Saturday, May 29, 2021, Online and in Room 2134 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Pat Spearman, Chair  
Senator Dina Neal, Vice Chair  
Senator Melanie Scheible  
Senator Roberta Lange  
Senator Joseph P. Hardy  
Senator James A. Settelmeyer  
Senator Keith F. Pickard

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Sarah Peters, Assembly District No. 24

**STAFF MEMBERS PRESENT:**

Cesar Melgarejo, Policy Analyst  
Wil Keane, Counsel  
Kim Cadra-Nixon, Committee Secretary

**OTHERS PRESENT:**

Brian Lee, Nevada State Education Association  
Maria-Teresa Liebermann-Parraga, Battle Born Progress  
Jasmin Margarita Tobon, Planned Parenthood Votes Nevada

CHAIR SPEARMAN:

We open the hearing today with Assembly Bill (A.B.) 280.

**ASSEMBLY BILL 280 (2nd Reprint)**: Revises provisions relating to public restrooms. (BDR 54-132)

ASSEMBLYWOMAN SARAH PETERS (Assembly District No. 24):

Assembly Bill (A.B.) 280 requires single-stall public restrooms to be designated as nongender specific. For the sake of convenience, many of us have chosen a restroom based on the length of the line.

When I take my son to a public restroom, he does not want to go into the women's restroom. This bill is about dignity and the ability to simply go to the restroom.

A grace period of February 1, 2022, was added to the bill to allow businesses time to install new signage. The Assembly also designated funds to the Division of State Parks for signage.

CHAIR SPEARMAN:

Please let us know which sections of the bill have additions.

ASSEMBLYWOMAN PETERS:

The appropriation for the Division of State Parks is listed in section 15.2, subsection 1, and the grace period is listed in section 15.5, subsection 3.

SENATOR SETTELMAYER:

This bill does not require building new restrooms, only the required signage for existing single-stall restrooms. Is this correct?

ASSEMBLYWOMAN PETERS:

Yes, you are correct. This bill is strictly about signage for existing and future single-stall restrooms.

SENATOR SETTELMAYER:

Would any changes be required for single-stall restrooms that have urinals?

ASSEMBLYWOMAN PETERS:

Single-stall restrooms with only a urinal and restrooms with a urinal and a toilet would not require changes. Signage will be noted as "All-Gender Bathroom."

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SENATOR SETTELMAYER:

Should we amend the bill to specify all single-stall restrooms must have urinals?

ASSEMBLYWOMAN PETERS:

That is not necessary.

SENATOR PICKARD:

We have dealt with this issue in construction development for 30 years. Does this bill require signage noting family restroom or signage with an image of a man and woman to be changed?

ASSEMBLYWOMAN PETERS:

The signage you referenced would be sufficient. The only signage that must be changed is gendered signage in single-stall restrooms.

SENATOR PICKARD:

The signs I referenced indicate that both genders are available in the single-stall restroom. What does the proposed sign look like, and how would it differ from signage stating family restroom or signage with an image of a man and woman?

ASSEMBLYWOMAN PETERS:

I worked with the Legislative Counsel Bureau to make this language as broad as possible while also ensuring single-stall restrooms are available to all genders.

SENATOR PICKARD:

Acceptable signage includes images of both genders on a single-stall bathroom. Do we require a signage change to single-stall restrooms at State Parks? Some of my female colleagues do not want to go into a restroom where someone has lifted a seat. How do we accommodate women who do not want to utilize a restroom used by males?

ASSEMBLYWOMAN PETERS:

I do not see this as a statutory problem.

SENATOR PICKARD:

We are discussing a lot of scenarios, and I am trying to respect everyone. In this case, it is about women who do not want to utilize restrooms used by men.

SENATOR HARDY:

In America, we have different sensibilities on this subject than in other countries. It is wise not to punish women for having longer lines to the restroom than men. In the future, will this not be limited to public restrooms?

ASSEMBLYWOMAN PETERS:

This is not limited to public restrooms. The bill applies to all publically available restrooms in the State. In my early discussions about this bill, both the Retail Association of Nevada and the Nevada Resort Association supported designation of all-gender, single-stall restrooms as a good practice. Lines are problematic and having available restrooms makes sense.

SENATOR HARDY:

Does this bill apply only to single-stall restrooms?

ASSEMBLYWOMAN PETERS:

Yes, that is correct.

SENATOR SETTELMAYER:

How will a single-stall restroom with three urinals be classified?

ASSEMBLYWOMAN PETERS:

May I direct you to the definition of single-stall restroom in section 9, subsection 4, paragraph (c)? A single-stall restroom is defined as a restroom intended for individual use that contains a single toilet or single urinal or a toilet and a urinal. The example of a restroom with multiple urinals would not qualify as a single-stall restroom.

SENATOR NEAL:

What triggers the misdemeanor in section 4? Also, I do not want to use restrooms that are also used by men.

ASSEMBLYWOMAN PETERS:

Can legal counsel respond to this question?

WIL KEANE (Counsel):

The first several sections of the bill, including section 4, amend *Nevada Revised Statutes* (NRS) 651, the public accommodations statutes. *Nevada Revised Statutes* 651.080 includes the enforcement provision and has been in effect

since the 1960s. An obvious case example is a bouncer at a nightclub refusing to let someone use a bathroom unless the person is of a particular gender. There is a large body of caselaw proving the public accommodations rules.

SENATOR NEAL:

Does this bill make us vulnerable to a civil rights action?

MR. KEANE:

This bill amends State law but does not affect any action one might have. It does create new protections under State statute.

SENATOR NEAL:

Under NRS 651, the Public Accommodations Acts, where does someone file suit? If a business has signage noting restroom and no gender, is it in violation of this bill?

MR. KEANE:

We have two questions. The first is what sort of signage would violate the provisions? The provisions in section 1 of A.B. 280 are repeated throughout the bill. These provisions do not require a particular type of signage as long as the bathroom is available to both genders.

The second question concerns enforcement. The State has specifically authorized county and city governments to enforce provisions of the Public Accommodations Acts. If the State or local governments do not enforce the Public Accommodations Acts, a suit may be filed with the Nevada Equal Rights Commission (NERC).

SENATOR NEAL:

Can counties and cities have stricter guidelines than the State?

MR. KEANE:

*Nevada Revised Statutes* 651.100 specifically states that local governments are authorized to adopt ordinances, but the ordinances cannot be broader in scope and punishments cannot be more severe.

SENATOR NEAL:

What is meant by any other person in section 5, subsection 1, paragraph (c)?

MR. KEANE:

This section refers to anyone trying to exercise a right to this public accommodation. Caselaw may expand upon this, but plain language refers to anyone who has been denied a right.

An example of someone denied a right is a caregiver prevented from entering a bathroom with a person. The caregiver has a right under the statute as well as the person trying to enter the bathroom. Another example is a parent with a child. If prevented from entering the restroom, both the parent and child are protected. A bystander who is offended by what is going on may not have a right.

SENATOR NEAL:

I am trying to understand the implications for businesses when the requirement of all-gender, single-stall restrooms are placed under the public accommodations statutes. Are we giving equal weight to bathroom access as to a racial incident where a person was denied access to a bathroom?

MR. KEANE:

The strict scrutiny standard applies when statutes are challenged. If a statute is challenged due to discriminatory practices based on race, the strict scrutiny standard applies to uphold such a statute. The intermediate scrutiny standard applies in discriminatory practices concerning gender.

With regard to section 5 of the bill, it treats all the various claims the same in that they are all violations of State statute. There is no increased standard or penalty for discrimination based on race versus discrimination based on gender.

The effective date for criminal enforcement has been delayed until February 1, 2022. On October 1, all provisions except the criminal enforcement provisions, sections 4, 5 and 14, will go into effect. By this date, all businesses should change their signage. If they do not, they have until February 1, 2022, to change signage or be subject to criminal penalties. The provision to appeal to NERC would apply on October 1.

SENATOR SCHEIBLE:

It is past time to pass this public accommodation. It does not sound overly burdensome. Assemblywoman Peters, did you encounter opposition on this bill from the business community?

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ASSEMBLYWOMAN PETERS:

No, I did not encounter opposition from the business community on this bill.

SENATOR SCHEIBLE:

Many businesses use cute, nongender signage on their restrooms. Would those signs comply with A.B. 280?

ASSEMBLYWOMAN PETERS:

Yes, they would comply. The opportunities for creativity are endless under this provision.

SENATOR SCHEIBLE:

Since we are talking about restaurants as well as preschools, can we use other designations like "people who keep the seat down" or "people who like pizza"?

ASSEMBLYWOMAN PETERS:

This bill applies only to bathrooms which are single-stall, and those restrooms should not designate a specific gender.

MR. KEANE:

According to section 1, subsection 2, paragraph (b), the bathroom must be labeled in a way that includes everyone. The prohibition earlier in the section provides the bathroom cannot be limited to any particular person. Silly designations are acceptable as long as they do not prevent anyone from using the single-stall restroom.

SENATOR SCHEIBLE:

To clarify my point, a business can use designations that are not enforceable, that allow children to use their creativity.

SENATOR PICKARD:

The *2018 International Plumbing Code* required the addition of gender-neutral bathrooms in certain occupancy levels. Building codes also require two restrooms, one for men and one for women. How will the State be in compliance if the bill requires different standards than building codes?

ASSEMBLYWOMAN PETERS:

I am not familiar enough with building codes to answer your question. I will follow up with you on this issue.

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MR. KEANE:

Section 9 addresses building codes and requires counties, cities and governmental entities to update building codes to comply with A.B. 280. There are provisions for buildings constructed after October 1 and those already constructed.

SENATOR PICKARD:

This gives me pause because building code standards are built on decades of health and safety experience.

SENATOR LANGE:

Does this bill apply to restrooms with one or two urinals and a toilet?

ASSEMBLYWOMAN PETERS:

Restrooms with two urinals would not fall under the definition of single-stall restrooms.

SENATOR LANGE:

This bill only applies to single-stall restrooms.

ASSEMBLYWOMAN PETERS:

Yes, that is correct.

SENATOR HARDY:

How does this bill apply to bathrooms with female urinals? If I accidentally enter a multistall bathroom with no urinals, have I committed a misdemeanor?

ASSEMBLYWOMAN PETERS:

This bill does not apply to multistall bathrooms.

CHAIR SPEARMAN:

I am experiencing a range of emotions as I hear testimony on A.B. 280. Before 1964, if a Black person drank from a water fountain designated for White people, this act was a felony in the southern states. As a child, I was reprimanded by my mother for attempting to drink from a water fountain designated for White people. My mother was afraid I would be killed for this action. At the time, I did not understand the term colored. This experience stays with me. I did not know about Emmett Till at the time. He was a 14-year-old boy who was brutally murdered for allegedly flirting with a White woman.



I am cognizant that I am Black, a woman and a member of the LGBTQ community. There is discrimination against me for all of these parts of me. I will never forget as a child being told I could not go somewhere.

I am not sure how we fix this bill to make everyone comfortable. I like to be correct about humanity. I will not choose between my gender, my ethnicity or my affectional orientation.

A person's civil rights ensure protection from discrimination based on race, gender, sexual orientation, national origin or ethnicity, religion, age and disability. While often confused, civil liberties, on the other hand, are basic freedoms outlined in the Bill of Rights and the Constitution.

When I look at this bill, I see "For Whites Only" or "For Colored Only." If there is more than one opportunity—more than one restroom—I do not see a problem. In my mind, there is no distinction in the human race. I fight for equality for all people.

SENATOR SETTELMAYER:

I appreciate the concept of the bill, but I have not decided how I will vote on this measure.

SENATOR LANGE:

New York has similar legislation, and both genders are allowed to use the same restroom. As a woman, I am not comfortable using restrooms also used by men. This is a cleanliness issue for me, and I am not sure how I will vote on this measure.

ASSEMBLYWOMAN PETERS:

Senator Lange, I understand your concern with cleanliness. I do not know how changing signage on bathrooms affects behavior in bathrooms. This is a human issue, not a signage issue.

SENATOR SCHEIBLE:

Cleanliness is an issue in public restrooms; however, it is not acceptable to discriminate against people based on their gender. I am asking if it is acceptable to discriminate against people based on their inability to follow rules and be civilized. Could you enact a rule that says if you do not clean up after yourself

in this restroom, you will not be allowed to use this restroom any longer? Is there anything stopping businesses from doing this?

ASSEMBLYWOMAN PETERS:

I will defer to legal on this question.

MR. KEANE:

The bill states the requirement in section 1, subsection 1, paragraph (b). You cannot differentiate between people. Lighthearted signage is acceptable as long as it does not prohibit anyone from entering the restroom.

ASSEMBLYWOMAN PETERS:

Could private businesses prohibit those who do not clean up after themselves in the restroom?

MR. KEANE:

Excluding people who do not clean up after themselves in the restroom is beyond the scope of A.B. 280.

SENATOR SCHEIBLE:

I understand the concern of walking into an unsanitary single-stall restroom. I cannot support a solution stating the causes are people who are men or look like men or who stand to use the restroom are not allowed in the restroom. This is not a viable solution to a cleanliness problem. I am looking for ways to easily address this issue, like signage instilling users to clean up after themselves.

Excluding people based on their gender is not the solution to dirty bathrooms. I think the bill will support signage that requires cleanliness. Being a jerk is not a protected class. We can exclude people who are jerks and leave the bathroom a mess, but we cannot exclude people based on gender.

CHAIR SPEARMAN:

Until we have conversations that are uncomfortable, we will never get to a perfected society. When I was a soldier, we had gender-neutral bathrooms; they were called trees. Let us figure out a way to make this bill work.

BRIAN LEE (Nevada State Education Association):

I represent the Nevada State Education Association, the voice of educators and students in Nevada. Prior to this position, I provided pro bono legal services to

transgender individuals seeking accessibility to be seen in public life. The simple fact is the lack of adequate gender-affirming restroom facilities prevents individuals from fully participating in civic life.

As a practical matter, one cannot go to protests, parent-teacher association meetings or seek redress in our courthouses unless adequate restroom facilities are available. This bill takes an important step toward full inclusion. We urge you to pass A.B. 280.

MARIA-TERESA LIEBERMANN-PARRAGA (Battle Born Progress):

We are in support of this bill. As a youth, I had to clean single-stall restrooms, and my level of discomfort for uncleanness does not equate to the level of pain expressed by Senator Spearman for not being allowed access to public facilities. We should not treat people this way anymore.

JASMIN MARGARITA TOBON (Planned Parenthood Votes Nevada):

Planned Parenthood Votes Nevada supports A.B. 280. While there are necessities for all people, for gender-diverse Nevadans, bathrooms can be a source of harassment, policing, bullying and violence. Gender-inclusive bathrooms provide safe spaces for transgender, nonbinary and gender-nonconforming Nevadans. This bill would also benefit Nevadans with disabilities and older adults who require assistance from different sex caregivers. This bill will help to create a safe and more inclusive Nevada.

ASSEMBLYWOMAN PETERS:

Assembly Bill 280 is about dignity and safely using public restrooms. Beyond this are human issues we cannot control with this legislation.

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CHAIR SPEARMAN:

We close the hearing on A.B. 280 and adjourn at 10:21 a.m.

RESPECTFULLY SUBMITTED:

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Kim Cadra-Nixon,  
Committee Secretary

APPROVED BY:

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Senator Pat Spearman, Chair

DATE: \_\_\_\_\_

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda