

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

**Eighty-first Session
May 30, 2021**

The Senate Committee on Commerce and Labor was called to order by Chair Pat Spearman at 10:40 a.m. on Sunday, May 30, 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 Keith F. Pickard

COMMITTEE MEMBERS ABSENT/EXCUSED:

Senator James A. Settelmeyer (Excused)

GUEST LEGISLATORS PRESENT:

Assemblywoman Sarah Peters, Assembly District No. 24

STAFF MEMBERS PRESENT:

Cesar Melgarejo, Policy Analyst
Wil Keane, Counsel
Lynn Hendricks, Committee Secretary

CHAIR SPEARMAN:

I will open the work session on Assembly Bill (A.B.) 280.

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

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CESAR MELGAREJO (Policy Analyst):

I have a work session document ([Exhibit B](#)) summarizing the bill and describing the proposed amendment. We have received an additional amendment that is not part of [Exhibit B](#), and Mr. Keane will walk us through it.

WIL KEANE (Counsel):

It is my understanding that there are two additional amendments. One would be a grandfather clause that would remove all the requirements in the bill for any existing buildings. It would still keep the requirement that local governments have to update their building codes with these requirements. These new requirements would only apply to bathrooms built in the future in accordance with these revised building codes. The actual effect of the bill would be pushed out as far as public restrooms are concerned. It would take effect fairly soon with regard to the building codes.

The second amendment was a request to add a provision to each one of the new sections saying that they do not create a private right of action.

SENATOR PICKARD:

I appreciate the effort to make this bill work, but I still struggle with it. There is a reason why buildings require separate toilets to deal with the realities. Over many decades, we have developed building codes that address both health and safety issues and comfort. The reason we require separate restrooms for men and women is that women have more sensitive sensibilities as a whole for being close to the realities on the grounds because of the way restrooms are used. Ultimately, by doing this, we will be making all restrooms men's rooms, and that will create problems for a good number of women in society.

Currently, businesses are allowed to do this voluntarily if they wish. I do not believe it should be a mandate. I will be voting no.

CHAIR SPEARMAN:

Maybe I missed something. I did not realize this bill makes all restrooms men's rooms.

SENATOR PICKARD:

It does from a practical standpoint. It will remove the designation from the women's room where they do not have the same things occurring—they do not have urine dropping on the floor in front of the toilet, for example.

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CHAIR SPEARMAN:

Assemblywoman Peters, does this bill specify that every restroom in the State has to be nongender-specific?

ASSEMBLYWOMAN SARAH PETERS (Assembly District No. 24):

No. Only single-stall restrooms would be nongender-specific.

CHAIR SPEARMAN:

So if they are not single stalls, we will still have separate men's rooms and women's rooms.

ASSEMBLYWOMAN PETERS:

Correct.

SENATOR PICKARD:

The number of stalls is decided by the business's occupancy. When you get to the point where you are required to have two single-stall restrooms, men will be using both, and they will both become men's rooms. Women who prefer not to use a toilet men have used are going to have a fair amount of discomfort.

SENATOR SCHEIBLE:

It sounds to me like men are the problem. Maybe they can work on that. In the meantime, I think the bill is fine just as it is. I understand the reasons for the amendments.

SENATOR SCHEIBLE MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 280 WITH ALL THREE AMENDMENTS.

SENATOR HARDY:

I am unclear which amendments are included in the motion.

SENATOR SCHEIBLE:

I am including the three amendments we have heard about this morning. The first amendment is the one in [Exhibit B](#) that revises the definition of single-stall restroom. The second amendment was mentioned by Mr. Keane and grandfathers in facilities with a men's room and a women's room. The third amendment was also described by Mr. Keane and adds a clause indicating that this does not create a private right of action. I do not necessarily think

these changes are needed, but I understand they may help my colleagues get to a point where they can also support this sensible bill.

SENATOR LANGE SECONDED THE MOTION.

SENATOR HARDY:

To Senator Pickard's point, there is a distinct anatomical reason that men's bathrooms are messy and the floor is dirty. It is because of the membranous urethra that never fully contracts, so the concept of fully emptying the bladder does not happen, and this gets worse as men get older. That is as delicately as I can say it. That is why men's rooms do not have as clean a floor as women's rooms. Every toilet used by men become men's rooms because of the soiled floor.

I do not want to vote on this bill until I understand exactly what is in the amendments. I would like to know exactly what those amendments are.

MR. KEANE:

The first amendment is the one attached to [Exhibit B](#). It amends every definition of single-stall restroom as indicated on the work session document. Restrooms that have a toilet and a urinal can only be considered single-stall restrooms if the two are not separated by a stall. If there is some kind of barrier between the toilet and the urinal, it is not a single-stall restroom.

The second amendment takes out all of the requirements about existing bathrooms being changed to all-access. The building codes need to be updated to include that requirement, and the new requirements would only apply to buildings built according to those codes in the future.

The third amendment adds to each section of the bill a subsection specifically providing that there will not be any private right of action connected to a violation of the bill.

SENATOR HARDY:

The first page of [Exhibit B](#) lists three bullet points. Is the third bullet point removed by that third amendment?

MR. KEANE:

No, but it will be different. There will not be any civil action, but local government enforcement will be possible in the future after buildings are constructed in accordance with the new codes.

SENATOR HARDY:

I am confused. The third bullet point does not mention government enforcement but talks about a person who deprives, interferes with or punishes another person for accessing a single-stall restroom. Does that disappear?

MR. KEANE:

We are getting rid of the private right of action. I believe the rest of the paragraph is unchanged.

SENATOR HARDY:

If you have a single-stall bathroom that has a lock on it, any person can go into that bathroom and use it. If someone else says, "You can't use that restroom," that person will be liable for a misdemeanor. Is that right?

MR. KEANE:

Currently, no. My understanding of the amendment is that this requirement to have all-access bathrooms will never be put into any existing buildings. It will only be applicable to buildings built in the future in accordance with revised building codes. At that point, after we have buildings with all-access bathrooms, that misdemeanor provision will apply, but there will never be a prior right of action.

SENATOR HARDY:

In the future, will there be a potential misdemeanor that a person can be charged with if he or she precludes someone from using a single-stall restroom designated as all-access?

MR. KEANE:

Yes. Of course, the Committee can amend the bill, but the sequence of events will be:

- Building codes will be updated.
- Buildings are built in accordance with those new codes.

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- Single-stall bathrooms in those buildings must comply with the codes.
- There will be no private right of action, but the government will still enforce the codes. That includes a possible misdemeanor for someone who deprives, interferes with or punishes someone for using such a restroom.

THE MOTION PASSED. (SENATORS HARDY AND PICKARD VOTED NO.)

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CHAIR SPEARMAN:

Is there any public comment? Hearing none, we are adjourned at 11:01 a.m.

RESPECTFULLY SUBMITTED:

Lynn Hendricks,
Committee Secretary

APPROVED BY:

Senator Pat Spearman, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
A.B. 280	B	1	Cesar Melgarejo	Work Session Document