

Department of Planning and Budget

2016 Fiscal Impact Statement

1. Bill Number: HB663

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Cole

3. Committee: General Laws

4. Title: Use of restroom facilities; penalty.

5. Summary: Requires the Director of the Department of General Services and local school boards to develop and implement policies that require, respectively, that every restroom designated for public use in any public building on property that is owned, leased, or controlled by the Commonwealth and every public school restroom, locker room, and shower room that is designated for use by a specific gender to solely be used by individuals whose anatomical sex matches such gender designation. Such policies may also provide that a student may, upon request, be granted access, to the extent reasonable, to a single stall restroom or shower, a unisex bathroom, or controlled individual use of a restroom, locker room, or shower. The bill defines "anatomical sex" and provides a civil penalty for a willful and knowing violation.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Fiscal impact is indeterminate. See Item 8, below.

8. Fiscal Implications: The fiscal impact of this bill is indeterminate and would depend on the policies developed and implemented by the Department of General Services (DGS) and local school boards, as directed by the bill, and any need for the development of alternative restroom facilities.

State agencies and institutions would be responsible for any costs required to comply with policies established by DGS for property owned, leased, or controlled by the agency or institution. According to DGS, signage similar to that used for handicapped facilities would likely be required to inform those using restroom facilities of established restroom policies and penalties for violations. The bill requires every restroom in state facilities designated for public use and for use by a specific gender to solely be used by individuals whose anatomical sex matches such gender designation. It is unknown whether access is available to alternative restroom facilities in state facilities or may be need to be developed.

Local school divisions would be responsible for any costs required to comply with the policies established by local school boards pursuant to this bill. The bill requires every school restroom, locker room, or shower room that is designated for use by a specific gender to solely be used by individuals whose anatomical sex matches such gender designation. However, it

provides that policies established by school boards may allow students to be granted access to a single stall restroom or shower, a unisex bathroom, or controlled individual use of a restroom, locker room, or shower. The extent to which local school divisions may need to develop access to alternative restroom, locker room, or shower facilities is unknown and would depend on the policies established.

The bill provides that any person who willfully and knowingly violates its provisions shall be liable for a civil penalty not to exceed \$50, which shall be paid into the Literary Fund. Impact to the Literary Fund is indeterminate and would depend on penalties assessed.

- 9. Specific Agency or Political Subdivisions Affected:** All state agencies and institutions that own, lease, or control property with restrooms designated for public use, local school divisions.

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is similar, but not identical, to HB781.

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