



SB0401 – Places of Public Accommodation and Public Buildings – Single Occupancy Public Restrooms – Availability (The Accessibility to All Act)

Presented to Hon. Will Smith. and Hon. Paul Pinsky and Members of the Senate Judicial Proceedings and Education, Health, and Environmental Affairs Committees

February 12, 2020 12:00 p.m.

POSITION: SUPPORT

NARAL Pro-Choice Maryland urges the Judicial Proceedings and Education, Health, and Environmental Affairs Committees **a favorable report on SB0401 – Places of Public Accommodation and Public Buildings – Single Occupancy Public Restrooms – Availability (The Accessibility to All Act)**, sponsored by Senator Cheryl Kagan.

NARAL Pro-Choice Maryland is an advocate for reproductive health, rights, and justice. We support Marylanders' right to bodily autonomy during all stages of their lives, including those related to gender identity and expression. Providing an inclusive school environment and protecting access to restrooms in public spaces have a monumental impact on the lives of transgender and gender non-conforming individuals. Marking single-occupancy public restrooms with gender-inclusive signage helps foster a safe and welcoming environment for transgender and gender non-conforming Marylanders.

Non-inclusive school environments generate a negative climate for LGBTQ+ students. In 2017, many of these students reported harassment from peers and school staff, which forced them to skip school for safety reasons.¹ All students deserve to be able to use bathrooms and locker rooms, but 4 in 10 LGBTQ+ students avoided these gender-segregated spaces in school because they felt unsafe or uncomfortable. Individuals who identify as transgender or gender non-conforming experience higher rates of in-school discrimination and were three times more likely to miss school due to victimization. 46.7% of transgender and gender non-conforming students were forced to use bathrooms in alignment with the gender they were assigned at birth. Unsupportive school environments have detrimental effects on LGBTQ+ students' access to education and their mental health.

Discrimination against LGBTQ+ people in public places goes beyond youth. Approximately 1.4 million adults in the United States identify as transgender or gender non-conforming.² 0.49% of adult Marylanders reportedly identify as transgender and gender non-conforming, though this is a gross underestimation.³ Limited access to public facilities has detrimental mental and physical health implications. Transgender and gender non-conforming individuals are three times more likely than the general public to be diagnosed with a mental

¹ Kosciw, J. G., Greytak, E. A., Zongrone, A. D., Clark, C. M., & Truong, N. L. (2018). The 2017 National School Climate Survey: The experiences of lesbian, gay, bisexual, transgender, and queer youth in our nation's schools. New York: GLSEN.

² Transgender individuals' access to public facilities. Issue brief. 2018 <https://www.ama-assn.org/system/files/2019-03/transgender-public-facilities-issue-brief.pdf>

³ Flores, A.R., Herman, J.L., Gates, G.J., & Brown, T.N.T. (2016). *How Many Adults Identify as Transgender in the United States?* Los Angeles, CA: The Williams Institute.

health disorder. Discrimination in public facilities is one major player in these existing mental health disorders. 14% of transgender and gender non-conforming individuals reported being verbally harassed, physically assaulted, or sexually assaulted when using the public restroom. 59% avoided using public restrooms in fear of harassment or assault.⁴ Restroom access also impacts physical health. One-third of transgender and gender non-conforming people reported that they limited how much they ate or drank so they could avoid using public facilities. 8% reported having a kidney or urinary tract infection because they avoided using public facilities.⁵ Finally, transgender and gender non-conforming parents avoided public facilities when their babies and children needed diaper changes or bathroom use.

NARAL Pro-Choice Maryland supports the rights of individuals from childhood to adulthood to make informed and independent decisions about their gender identity and gender expression. All people need the resources and the social, political, and economic power to freely make those decisions. Full access to a quality education is essential to an individual's ability to make decisions about their reproductive health and wellness. Reduced educational access resulting from unsupportive school environments restricts the reproductive choices and power individuals have. Equal access to public restrooms also supports individuals' freedom to start families without the fear of having no place to change their babies' diapers or experiencing harassment in front of their children in public.

SB0401 fosters an inclusive, understanding, and supportive environment for all transgender and gender non-conforming Marylanders. That environment is key to allowing students and adults to prepare for their futures and make informed decisions related to their reproductive health and their families. Transgender and gender non-conforming individuals should have the right to access public facilities without fear of harassment or assault. For these reasons, **NARAL Pro-Choice Maryland urges a favorable committee report on SB0401.** Thank you for your time and consideration.

⁴ E.g. Lance Weinhardt et al., Transgender and Gender Nonconforming Youths' Public Facilities Use and Psychological Well-Being: A Mixed-Method Study, 2 *Transgender Health* 1, 140-50 (Oct. 2017); Kristie Seelman, Transgender Adults' Access to College Bathrooms and Housing and the Relationship to Suicidality, 63 *J. Homosexuality* 10, 1378-99 (Feb. 2016); Carolyn Port et al., "Kicked out": LGBTQ youths' bathroom experiences and preferences, 56 *J. Adolescence* 107-12 (Apr. 2017).

⁵ Id.; Jody Herman, Gendered Restrooms and Minority Stress: The Public Regulation of Gender and its Impact on Transgender People's Lives, 19 *J. Pub. Mgmt. & Soc. Pol'y* 1, 65-80 (2013).