



National Center for
**TRANSGENDER
EQUALITY**

TRANSGENDER PEOPLE AND ACCESS TO PUBLIC ACCOMMODATIONS

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Public accommodations are covered by a patchwork of state and local laws. This resource provides a general overview of the rights transgender and gender nonconforming people have in public accommodations. Because NCTE does not provide legal services, we encourage anyone who cannot resolve cases of discrimination through federal, state, or local complaint processes to seek legal help (see Additional Resources).

WHAT ARE PUBLIC ACCOMMODATIONS?

Public accommodations are establishments that provide goods and services to the general public—which may include (for example) restaurants, theaters, hotels, hospitals, libraries, gas stations, and retail stores. State and federal civil rights laws prohibit covered businesses from discriminating against customers on some grounds, but the range of businesses covered by law varies.

WHAT LAWS PROTECT TRANSGENDER PEOPLE IN PUBLIC ACCOMMODATIONS?

Federal nondiscrimination laws covering public accommodations cover race, color, religion, national origin, and disability. Federal law **does not** prohibit discrimination based on sex, gender identity or sexual orientation in public accommodations.

The majority of states (44 and the District of Columbia) prohibit discrimination based on sex in public accommodations. Many state courts and enforcement agencies have interpreted these laws to protect transgender people.

Many states and localities also explicitly prohibit discrimination based on gender identity and sexual orientation in public accommodations. The following 17 states have explicit protections: California, Connecticut, Colorado, Delaware, Hawaii, Illinois, Iowa, Maryland, Maine, Minnesota, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, and Washington State, as well as the District of Columbia. More than 200 cities and counties also explicitly prohibit gender identity discrimination even if their state does not.

Businesses that are public accommodations may also be covered by other civil rights laws. For example, while the customers of a restaurant are covered by laws regarding public accommodations, the restaurant's employees are covered by laws regarding employment. A hospital may be covered by laws specifically covering health care as well as those covering public accommodations.

WHAT ARE YOUR RIGHTS IN PUBLIC ACCOMMODATIONS?

Most states and many localities prohibit discrimination in public accommodations based on either sex or gender identity. **If your state or locality has such a law, you have the following rights:**

WHAT ARE YOUR RIGHTS IN PUBLIC ACCOMMODATION? (CONTINUED)

You have the right to not to be refused entry, participation, or services because you are transgender or gender nonconforming. You have the right to enjoy the services or goods provided by the establishment on an equal basis.

You have the right to dress and present yourself in a manner consistent with your gender identity. You cannot be turned away from a public accommodation in a covered jurisdiction because someone objects to your gender presentation.

You have the right to be free from harassment in a public accommodation. If the business's management has been made aware of serious harassment by staff or customers and fails to remedy it, this may constitute illegal discrimination.

The range of businesses that are covered as public accommodations varies by state. Even if your state's public accommodations law does not cover sex or gender identity or excludes certain types of businesses, those businesses may be covered by federal or state laws regarding sex and/or gender identity discrimination in health care, housing, education, credit, or employment. (For more information, see NCTE's other "Know Your Rights" resources.)

WHAT ABOUT PUBLIC RESTROOMS?

People sometimes think that "public accommodations" refers to public restrooms. Actually, public accommodations are categories of businesses that serve the general public. If a business is covered by a public accommodations law, then access to all facilities that are open to the public is covered by that law as well. (Similarly, if a business is covered by an employment law, then an employee's access to the restrooms is covered by that law.)

Denial of access to a public restroom that is consistent with person's gender identity may constitute discrimination based on sex and/or gender identity. Many state and local laws, or official interpretations of those laws, explicitly protect this right; however, in a few jurisdictions the laws have been interpreted not to protect this right. While most jurisdictions currently have no official guidance on this issue, you may file a complaint of discrimination with your state or local human rights agency if you are denied equal access to restrooms in a public accommodation.

WHAT CAN YOU DO ABOUT DISCRIMINATION IN PUBLIC ACCOMMODATIONS?

Because federal law does not cover sex or gender identity discrimination in most public accommodations, the first step is determining whether your state or locality covers sex or gender identity discrimination in the type of establishment that engaged in the discrimination. This information may be available on the state or local human rights agency's website, or you may have to look up the law online. (See the chart below with information on state laws.) For discrimination in housing, health care, credit or loans, education, airlines, or employment, there are specific complaint procedures through federal agencies. Otherwise, complaints must be filed with the relevant state or local human rights enforcement agency.

Complaint procedures vary by jurisdiction. Some have a standard complaint form, while others do not. Unless you know that your jurisdiction explicitly prohibits discrimination based on gender identity, you should specify that your complaint alleges sex discrimination. **Most agencies have deadlines for filing complaints—these vary by jurisdiction, but may be as short as 60 days.**

Your complaint will be more effective if you can present solid factual information. Write down the date, time, location, witnesses, and people involved in any events that were discriminatory or disrespectful. Also keep any documents that the discriminating entity gives you. If you present your situation in an organized way, you increase the chance of your complaint getting the attention it deserves.

Once the agency receives your complaint, they may contact you to discuss your situation. In some cases, the agency may ask you and the business that is the subject of the complaint to participate in voluntary mediation. If a complaint cannot be resolved voluntarily, the agency will usually conduct an investigation and make a finding as to whether discrimination occurred and, if so, what corrective action the business must take. In some jurisdictions you may have a right to file a lawsuit—either immediately or after an investigation by the agency—however the available remedies may be limited, for example to a court order preventing the business from discriminating in the future.

GET HELP

Every jurisdiction is different, and this guide is only a general overview. Specific information about coverage of state and local laws and complaint procedures can be obtained from the relevant enforcement agency or from community organizations in your state or locality. While complaints can be filed and often resolved without an attorney, don't hesitate to seek help from a local community organization or an attorney, or both.

While NCTE does not provide legal services or referrals, there are many other groups that may give you referrals or maintain lists of attorneys. You can try your local legal aid or legal services organization, or national or regional organizations such as Lambda Legal, the National Center for Lesbian Rights, the ACLU, the Transgender Law Center, or others listed on NCTE's website.

SHARE YOUR STORY

If you have faced discrimination, consider sharing your story with NCTE so we can use it in our advocacy efforts to change policies, improve education, and reduce future discrimination. We want to hear from you whether or not the discrimination problem gets resolved, especially if anything we wrote here was helpful or needs to be improved.

SCOPE OF STATE PUBLIC ACCOMMODATION LAWS

State	Statute	Sex	Gender Identity	Sexual Orientation
Alabama	N/A			
Alaska	ALASKA STAT. § 18.80.230	√		
Arizona	ARIZ. REV. STAT. ANN. § 41-1442	√		
Arkansas	ARK. CODE ANN. § 16-123-107	√		
California	CAL. CIV. CODE § 51	√	√	√
Colorado	COLO. REV. STAT. § 24-34-601	√	√	√
Connecticut	CONN. GEN. STAT. § 46a-63, 81d.	√	√	√
Delaware	DEL. CODE ANN. tit. 6, § 4500	√	√	√
District of Columbia	D.C. CODE § 2-1402.31	√	√	√
Florida	FLA. STAT. § 760.08	√		
Georgia	N/A			
Hawaii	HAW. REV. STAT. § 489-3	√	√	√
Idaho	IDAHO CODE ANN. § 67-5909	√		
Illinois	775 ILL. COMP. STAT. 5/1-102	√		
Indiana	IND. CODE § 22-9-1-2	√		
Iowa	IOWA CODE § 216.7	√	√	√
Kansas	KAN. STAT. ANN. § 44-1001	√		
Kentucky	KY. REV. STAT. ANN. § 344.145	√		
Louisiana	LA. REV. STAT. ANN. § 51:2247	√		
Maine	ME. REV. STAT. tit. 5, § 4591	√	√	√
Maryland	MD. CODE ANN., STATE GOV'T § 20-304	√	√	√
Massachusetts	MASS. GEN. LAWS ch. 272, §§ 92A, 98	√		√
Michigan	MICH. COMP. LAWS § 37.2302	√		
Minnesota	MINN. STAT. § 363A.11	√	√	√
Mississippi	N/A			

Missouri	MO. REV. STAT. § 213.065	√		
Montana	MONT. CODE ANN. § 49-2-304	√		
Nebraska	NEB. REV. STAT. § 20-134	√		
Nevada	NEV. REV. STAT. § 651.070	√	√	√
New Hampshire	N.H. REV. STAT. ANN. § 354-A:16	√	√	√
New Jersey	N.J. STAT. ANN. § 10:1-2	√	√	√
New Mexico	N.M. STAT. ANN. § 28-1-7	√	√	√
New York	N.Y. EXEC. LAW § 296	√		√
North Carolina	N/A			
North Dakota	N.D. CENT. CODE § 14-02.4-14	√		
Ohio	OHIO REV. CODE ANN. § 4112.02	√		
Oklahoma	OKLA. STAT. tit. 25, § 1402	√		
Oregon	OR. REV. STAT. § 659A.403	√	√	√
Pennsylvania	43 PA. CONS. STAT. § 953	√		
Rhode Island	R.I. GEN. LAWS § 11-24-2	√	√	√
South Carolina	N/A			
South Dakota	S.D. CODIFIED LAWS § 20-13-23	√		
Tennessee	TENN. CODE ANN. § 4-21-501	√		
Texas	N/A			
Utah	UTAH CODE ANN. § 13-7-3	√		
Vermont	VT. STAT. ANN. tit. 9, § 4502	√	√	√
Virginia	VA. CODE ANN. § 2.2-3901	√		
Washington	WASH. REV. CODE § 49.60.030	√	√	√
West Virginia	W. VA. CODE § 5-11-2	√		
Wisconsin	WIS. STAT. § 106.52	√		√
Wyoming	WYO. STAT. ANN. § 6-9-101	√		

Additional Resources

GLAD

<http://www.glad.org/>

Health Care Rights and Transgender People

http://transequality.org/Resources/HealthCareRight_UpdatedMar2014_FINAL.pdf

Know Your Rights: Employment Discrimination and Transgender People

http://transequality.org/Resources/EmploymentKnowYourRights_July2014.pdf

Know Your Rights: Fair Housing and Transgender People

http://transequality.org/Resources/FairHousing_March2012.pdf

Links to State and Local Human Rights Agencies

<http://civilrights.findlaw.com/enforcing-your-civil-rights/state-civil-rights-offices.html>

Links to State civil rights laws

<http://statelaws.findlaw.com/civil-rights-laws/>

Links to LGBT Legal Organizations

<http://transequality.org/Resources/links.html>

Links to Legal Services Organizations

<http://www.lsc.gov/find-legal-aid>

Transgender Federal Employees: Your Workplace Rights

http://transequality.org/Resources/KYRFederalEmployees_July2014.pdf

Transgender and Gender Nonconforming Students: Your Rights at School

http://transequality.org/Resources/KnowYourRightsSchools_April2014.pdf