

Regulating Access to Facilities Such as Locker Rooms and Bathrooms On the Basis of Sex at Birth, Rather Than Gender Identity

This petition seeks to submit to qualified voters of the Municipality of Anchorage the question of whether to enact a law that, among other things, would:

- (1) Require all multiple occupancy changing facilities and restrooms that are owned or operated by the Municipality to be designated for, and used only by, persons of the same “sex,” except:
 - (a) for custodial or maintenance purposes, when the facility is not occupied by a member of the opposite sex
 - (b) to render medical assistance
 - (c) in the circumstance of a caretaker accompanying a disabled person for the purpose of allowing the disabled person to use the facility
 - (d) for minors under the age of 8, when the minor is with a person caring for the minor, and
 - (e) for certain emergency and other situations;
- (2) Provide that employers, public accommodations and other persons may establish and enforce sex-specific standards or polices concerning access to “intimate facilities,” such as locker rooms, showers, changing rooms, and restrooms;
- (3) Define “sex” as an individual’s “immutable biological condition of being male or female,” as determined by “anatomy and genetics at the time of birth”; an individual’s “original birth certificate” could be relied upon as “definitive evidence” of the individual’s sex;
- (4) Define “multiple occupancy changing rooms and bathrooms” as facilities designed or designated to be used by more than one person at a time where persons may be “in various states of undress in the presence of other persons”; such facilities would include, but not be limited to, locker rooms, shower rooms, changing rooms and bathrooms;
- (5) Declare a policy that persons using such facilities owned or operated by the Municipality have a right to “physical privacy” that includes the right “not to be seen in various states of undress by members of the opposite sex”; and
- (6) Delete the requirement in current Municipal Code that entitles persons to use restrooms, locker rooms and dressing rooms that are “consistent with their gender identity”; Municipal Code provides that a person’s “gender identity” means his or her “gender-related self-identity, as expressed in appearance or behavior, regardless of the person’s assigned sex at birth,” which may be established by medical history or, among other things, evidence that the gender identity is “sincerely held, core to a person’s gender-related self-identity, and not being asserted for an improper purpose.”

The full text of the law proposed by this petition is provided on the backside of this form.

By signing below, I affirm that I am a qualified Municipality of Anchorage voter, and request that the question of whether to enact the law proposed by this petition be submitted to voters by ballot proposition in a future election, as provided by law.

A person who signs a name other than the person’s own on the petition, or who knowingly signs more than once for the same proposition at one election, or who signs the petition when knowingly not a qualified voter, is guilty of a class B misdemeanor. See AMC 8.30.170.

ALL FIELDS ARE MANDATORY

PRINTED NAME (LAST, FIRST)	RESIDENCE ADDRESS	DATE OF BIRTH (MM/DD/YYYY) or VOTER #	MAILING ADDRESS IF SAME LEAVE BLANK	SIGNATURE	DATE MM/DD/YY

This initiative petition was issued on April 21, 2017. Signatures on this petition must be secured and filed within ninety (90) days, i.e. no later than July 20, 2017. Required number of signatures to file a petition for the ballot is 5,754.

Exhibit B

BE IT ENACTED BY THE PEOPLE OF THE MUNICIPALITY OF ANCHORAGE:

Section 1. A new chapter is added to Anchorage Municipal Code, Title 3 *Administration*, to read as follows (new language in bold and underlined):

Chapter 3.102 PRIVACY PROTECTION IN CERTAIN INTIMATE FACILITIES

3.102.010 Policy.
Persons using certain intimate facilities such as locker rooms, showers, changing rooms, and restrooms within buildings owned or operated by the municipality have a right to physical privacy that must be protected. The right to physical privacy includes the right not to be seen in various states of undress by members of the opposite sex. The failure to protect this right to physical privacy can create unsafe situations, and may potentially cause embarrassment, shame, and psychological injury.

3.102.020 Definitions.
The following definitions apply in this chapter:

Multiple occupancy changing facility or restroom means a facility designed or designated to be used by more than one person at a time where persons may be in various states of undress in the presence of other persons. A multiple occupancy changing facility or restroom may include, but is not limited to, a locker room, shower room, changing room, or restroom.

Sex means biological sex as defined in Anchorage Municipal Code section 5.20.010.

Single occupancy changing facility or restroom means a facility designed or designated to be used by only one person at a time where persons may be in various states of undress. A single occupancy changing facility or restroom may include, but is not limited to, a single stall restroom designated as unisex.

3.102.030 Requirements for Multiple Occupancy Changing Facilities and Restrooms.

- A.** All multiple occupancy changing facilities and restrooms in buildings owned or operated by the municipality shall be designated for and used only by persons of the same sex.
- B.** Nothing in this section shall prohibit the municipality from providing accommodations such as a single occupancy changing facility or restroom upon a person's request due to special circumstances, but in no event shall that accommodation result in the municipality allowing a person to use a multiple occupancy changing facility or bathroom that is designated under subsection 3.102.030A for a sex other than the person's sex.
- C.** This section does not apply to persons entering a multiple occupancy changing facility or restroom designated for use by the opposite sex:
 - 1.** For custodial or maintenance purposes, when the facility is not occupied by a member of the opposite sex.
 - 2.** To render medical assistance.
 - 3.** If the person is a disabled person requiring assistance or the caregiver of such a person, and the disabled person and his or her caregiver accompany one another for the purpose of allowing the disabled person to use the facility.

- 4.** If the person is a minor under the age of eight who accompanies a person caring for that minor.
- 5.** That has been temporarily designated for use by that person's biological sex.
- 6.** For purposes of protecting safety and good order during emergencies.

Section 2. Anchorage Municipal Code 5.20.010, *Definitions*, is hereby amended to read as follows (*not all definitions in the referenced section are affected and therefore not every definition is set out; language indicating no amendment is included for context only; new language in bold and underlined*):

5.20.010 Definitions.

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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Sex means an individual's immutable biological condition of being male or female, as objectively determined by anatomy and genetics at the time of birth. An individual's original birth certificate may be relied upon as definitive evidence of the individual's sex.

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Section 3. Anchorage Municipal Code 5.20.080, *Lawful Practices*, is hereby amended to read as follows (*language indicating no amendment is included for context only; new language in bold and underlined; [DELETED TEXT IN STRIKETHROUGH, CAPITALIZED, AND IN BRACKETS]*):

5.20.080 Lawful practices.

- A.** Notwithstanding any provision of this chapter, it shall not be unlawful for a person in connection with the sale or rental of real property, financing practices, employment practices, public accommodations, educational institutions, and practices of the municipality to make or keep records identifying race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability, if the purpose of the record is to comply with federal or state equal opportunity laws or regulations or in furtherance of a program designed to ensure compliance with this title.
- B.** The prohibitions against discrimination based on sexual orientation and gender identity in this chapter do not prohibit an employer or an operator of a place of public accommodation from[
 - 1- ~~MAINTAINING AND ENFORCING GENDER-SEGREGATED RESTROOMS, LOCKER ROOMS OR DRESSING ROOMS, PROVIDED THAT PERSONS ARE ALLOWED TO USE SUCH FACILITIES CONSISTENT WITH THEIR GENDER IDENTITY AND NOTHING IN THIS CHAPTER SHALL BE DEEMED TO REQUIRE THE PROVISION OF SPECIAL FACILITIES TO ACCOMMODATE ANY PERSON(S) BASED UPON SEXUAL ORIENTATION OR GENDER IDENTITY.~~
 - 2- ~~]imposing reasonable dress codes and grooming standards, provided that persons are allowed to dress or groom consistent with their gender identity.~~
- C.** Notwithstanding any provision of this chapter, and except for the specific provisions applicable to municipal facilities under Anchorage Municipal Code chapter 3.102, it shall not be unlawful for any employer, public accommodation, or other person to establish and enforce sex-specific standards or policies concerning access to intimate facilities such as locker rooms, showers, changing rooms, and restrooms.