



LETICIA CASTILLO

58TH ASSEMBLY DISTRICT

Assembly Bill 1998 – Discrimination: Sex and Gender: Intimate Spaces

SUMMARY

This bill clarifies California law to ensure that intimate spaces in business establishments — including bathrooms, locker rooms, showers, and changing areas — are separated based on sex. The bill defines sex as an individual’s immutable sex (male or female) while allowing single-occupancy restrooms to remain gender neutral.

BACKGROUND

California’s Unruh Civil Rights Act guarantees all persons full and equal access to business establishments regardless of characteristics such as race, religion, disability, sexual orientation, gender identity, and sex. At the same time, the law has long recognized that certain spaces require heightened privacy protections.

In recent years, confusion surrounding how sex and gender identity are applied in intimate spaces has led to growing public concern. A widely reported incident in Los Angeles involving singer Tish Hyman brought this issue to the forefront. Hyman raised concerns after encountering a biological male in a women’s locker room at a Gold’s Gym facility. The incident received significant media attention and sparked statewide discussion about privacy expectations in spaces where women and girls may be undressed or otherwise vulnerable. While this is one of many situations that have occurred across California, the controversy highlighted the need for clear statutory guidance and ultimately prompted the introduction of this bill.

California can uphold equal access in public accommodations while also protecting privacy in intimate settings. This legislation provides clarity where current law has become unclear.

ISSUE

Bathrooms, locker rooms, showers, and changing facilities are environments where individuals reasonably expect bodily privacy. These settings often involve people in states of undress, including minors. When intimate spaces are not clearly designated on the basis of sex, privacy concerns arise and business owners are left without clear legal direction.

Without clear standards, businesses must navigate sensitive situations without consistent guidance. This bill addresses that uncertainty by establishing straightforward rules that protect privacy while maintaining nondiscrimination protections in other contexts.

THE BILL

This legislation amends Section 51 of the Civil Code, known as the Unruh Civil Rights Act, to define sex as an individual’s immutable sex -- male or female. It requires that intimate spaces in business establishments be separated on that basis, regardless of gender identity or gender expression.

The bill defines intimate spaces to include bathrooms, showers, locker rooms, changing rooms, dressing rooms, and other areas where individuals have a reasonable expectation of privacy from the opposite sex.

Single-occupancy intimate bathrooms may remain gender neutral. The bill does not require new construction or structural modifications beyond what is already required under existing law.

SPONSOR

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