

# Say “No” to Exception 6 - Gender Neutral Bathrooms

## WHAT IS EXCEPTION 6?

The International Code Council (ICC) publishes its model plumbing code every three (3) years and **most States in the U.S. adopt the ICC building code** on a similar cycle. Most of the time, a State will have a review committee to determine what parts of the ICC code should be adopted and then after an approval process, it becomes a part of the adopting State’s laws. **Exception 6 was added to the ICC’s Plumbing Code in 2021 and opens the door for the design and use of public gang-style gender neutral bathrooms.**<sup>1</sup> Specifically, this exception allows public restroom spaces to be designed with stalls separated by partitions and doors with common sink areas which would be used by both genders at the same time. **Exceptions 1-5**, which were already a part of the Code, provide for various accommodation scenarios that **address all the concerns** raised by supporters of Exception 6. **Exception 6 is unnecessary and dangerous. It completely disregards the safety of women and children, as well as the extra privacy women may need at the sink area to address personal issues** like menstruation and wardrobe malfunctions.

## IF EXCEPTION 6 IS PART OF A MODEL CODE, WHY IS IT A PROBLEM?

In 2022, South Carolina adopted the 2021 model ICC Plumbing Code with no changes. It came to light that the committee involved in initially approving the Code was **unaware** of Exception 6 having been added by the ICC. **We reached out to legislature to express concern** with supporting documents showing the **public safety risk, especially to women and children. As a result, South Carolina promptly revised their code DELETING Exception 6.**

Now, the state of Georgia is in the process of adopting the 2024 ICC Code, **INCLUDING Exception 6**. We reached out to several state Senators and the Georgia Attorney General’s office to raise awareness of the dangers that Exception 6 poses to all Georgians. We were directed to the Georgia Department of Community Affairs Construction Codes Program (GA DCA) who handles the State’s building code adoption.

At the February 19, 2025 GA DCA Task Force Meeting, a proposed amendment to delete Exception 6 was in motion, based on the same criteria presented to the state of South Carolina; but **unfortunately, the GA DCA rejected the amendment**. For now, **the DCA Task Force is moving forward to adopt Exception 6**.

We found out that an architect had opposed the amendment and was given an opportunity to provide a “response” to our request for deletion. In the architect’s response, he **completely misrepresented our arguments for deletion and claimed an unsupported economic burden as the basis for the need to keep Exception 6 in the GA Code**. The February 19<sup>th</sup> decision by the DCA was shocking and disheartening as **they were provided with ample evidence showing the public safety risk Exception 6 poses and chose to ignore it**.

Attached in this package is a copy of the public safety risk documentation for your review and use.

## SO, WHAT CAN I DO ABOUT IT?

### LET YOUR VOICE BE HEARD!

We need all Georgians to **email or call** the State Senators, GA Attorney General’s office and the GA DCA to express your concern and request that the GA DCA’s task force **delete Exception 6 in Georgia’s proposed Plumbing and Building Codes before Thursday March 20, 2025**, which is the next DCA task force meeting.

## WHAT SHOULD I WRITE?

We are glad you asked. The following is a sample e-mail for you to use as a guide. Please make it personal. Feel free to share any of your personal stories about public restroom safety and why keeping this dangerous language out of Georgia’s plumbing and building codes is so important.

Dear Sir or Madam:

I recently became aware of a new ICC Code (plumbing and building) which contains Exception 6 allowing public bathrooms to be designed with stalls separated by partitions and doors with common sink areas to be used by both genders at the same time. It is my understanding that the State of Georgia, under direction from the Georgia Department of Community Affairs Construction Codes Program (GA DCA) is in the process of adopting this Exception 6 into its Code. Exception 6 puts the public in danger, and I do not want this Exception to become a part of Georgia’s law. **Please protect Georgians’ bathroom privacy and delete Exception 6 from Georgia’s Code.**

## WHO DO I SEND THIS EMAIL TO?

**Please send your email BEFORE MARCH 20, 2025 to the following individuals.** You will need to send the email to each person separately to avoid the state’s IT security rejecting it as spam.

Name	Email	Phone Number
Craig Messina, GA DCA	<a href="mailto:Craig.Messina@dca.ga.gov">Craig.Messina@dca.ga.gov</a>	(404)-416-8070
Lieutenant Governor Burt Jones	<a href="https://ltgov.georgia.gov/contact-lt-governor">https://ltgov.georgia.gov/contact-lt-governor</a>	(404)656-5030
Sen. John Kennedy, President Pro Tempore	<a href="mailto:John.Kennedy@senate.ga.gov">John.Kennedy@senate.ga.gov</a>	(404) 656-6578
Sen. Clint Dixon	<a href="mailto:clint.dixon@senate.ga.gov">clint.dixon@senate.ga.gov</a>	(404) 656-6446
Sen. Ben Watson	<a href="mailto:ben.watson@senate.ga.gov">ben.watson@senate.ga.gov</a>	(404) 656-7880
Rep. John Burns, Speaker of the House	<a href="mailto:jon.burns@house.ga.gov">jon.burns@house.ga.gov</a>	(404) 656-5020
Rep. Jan Jones, Speaker Pro Tempore	<a href="mailto:jan.jones@house.ga.gov">jan.jones@house.ga.gov</a>	(404) 656-5072
Atty. Gen. Chris Carr	<a href="mailto:ccarr@law.ga.gov">ccarr@law.ga.gov</a>	(404) 458-3600
Chief Dep. Atty. Gen. Wright Banks	<a href="mailto:wbanks@law.ga.gov">wbanks@law.ga.gov</a>	(404) 458-3706
Congressman Buddy Carter (U.S. Representative)	<a href="mailto:Buddy.Carter@mail.house.gov">Buddy.Carter@mail.house.gov</a>	(202)225-5831

If the State Senators and Representatives listed do not represent your area, we encourage you to look up your Senator/Representative and send them an email also. **We want to send a clear message to the Georgia Government that they must protect our bathroom spaces** and keep all Georgians safe.

## OVERVIEW

Under the 2024 Edition of the International Code pertaining to the Building and Plumbing code, there is a section which allows gender-neutral multiple occupancy use public restrooms where men, women and children can use toilet & urinal stalls next to each other while sharing common space at the sink area.

The particular code section which allows this provision is the **2024 International Plumbing Code (IPC) Section 403.2 exception 6**, mimic in the **2024 International Building Code (IBC) 2902.2 exception 6**.

- [2024 IPC Section 403.2 exception 6 \(IBC 2902.2 exception 6\)](#)

“Separate toilet facilities shall not be required where rooms having both water closets and lavatory fixtures are designed for use by **all persons regardless of sex** and privacy **is provided** for water closets in accordance with Section 405.3.4 **and for urinals in accordance with Section 405.3.5**.”<sup>1</sup>

<sup>1</sup> Section 405.3.4. of the 2024 International Plumbing Code elaborates that separation could be partition, as typical in a gang type bathroom design without full vertical separation, 1 to 2 feet offset from floor surface. Section 405.3.5 elaborates that urinal partition does not require full four sided enclosure as typical how a urinal is to be used.

Link to [2024 International Plumbing Code \(IPC\) Section 403.2](#).

Link to [2024 International Plumbing Code \(IPC\) Section 405.3.4](#) for water closet separation & [405.3.5](#) for urinal separation.

Link to [2024 International Building Code \(IBC\) 2902.2](#).

## WHY DOES THIS POSE A SIGNIFICANT DANGER TO THE HEALTH AND SAFETY OF THE PUBLIC?

- 1) Gender-neutral multiple occupancy use restrooms pose a serious threat to the health and safety of all by increasing the incident of sexual violence against women and children, as well as increasing the incident of wrongful accusations of sexual assault, voyeurism and the like.
- 2) Gender-neutral multiple occupancy use restrooms undermine and reduce the “safe-spaces” for victims of human trafficking.
- 3) Gender-neutral multiple occupancy use restrooms discriminate against women and children by disproportionately decreasing available number of bathroom spaces for women and children, while men will have access to both water closet compartments and urinal spaces. In addition, common use sink spaces discriminate against women and children by disproportionately decreasing the area available for women to address personal needs, such as menstrual or other medical care, nursing and baby changing activities.
- 4) Exception 6 is not necessary. Exceptions 1-5 in the 2024 IPC Section 403.2 provide sufficient guidance and latitude for businesses, schools, churches, to provide gender-neutral spaces with adequate privacy protections.

*See Page 2 for supporting data and additional information.*

## SOUTH CAROLINA

South Carolina adopted the 2021 Edition of the codes which also has the same provision for this type of public restroom design. However, when South Carolina was presented with supporting documents and statistics to show the imminent danger of this type of public restroom, it has invoked its Emergency Code Modification to delete without substitution of this code provision before the effective date of the code implementation statewide.

Link to the [South Carolina Emergency Code Modification](#).

# OBJECTIVE

To delete without substitution this 2024 IPC Section 403.2 exception 6 & IBC 2902.2 exception 6, and all applicable sections associated with the provision of this public restroom design (i.e. 2024 IPC 403.1.1 Fixture Calculations exception 2) due to public safety risk as shown on this document.

## SAFETY CONCERNS WITH GENDER-NEUTRAL PUBLIC BATHROOMS

- 1) **Gender-neutral gang type bathrooms pose a serious threat to the health and safety of all by increasing the incident of sexual violence against women and children, as well as increasing the incident of wrongful accusations of sexual assault, voyeurism and the like.**
  - a. Most victims of sexual assaults are women and children.<sup>1</sup> 20% of the sexual assaults are committed by strangers.<sup>2, 3</sup> Statistics also show that 15% of sexual assaults happened in open public spaces, and 10% in public enclosed spaces such as parking lots or garages.<sup>4</sup> Gender-inclusion policies, such as gender-neutral bathroom facilities, directly result in an increase in sexual violence against women and children in public spaces. A case study showed an increase in sexual incidents from pre to post policy adoption of gender-neutral facilities where about 99% of victims were women and children, with 34% being victimized children.<sup>5</sup>
  - b. It is documented that the policy for the use of sex-separated facilities that corresponds to one's subjective, psychological "gender identity" been used by sexual predators to gain access to women and children.<sup>6</sup> Gender-neutral bathroom policies provide the same opportunities for predators and is inconsistent with State's effort against such policies.<sup>7, 8</sup> It is also inconsistent with current Federal mandate to protect women from men to gain access to intimate single-sex spaces and activities designed for women.<sup>9</sup>
  - c. Gender-neutral public bathrooms create circumstances for all people regardless of age or sexual orientation to be exposed to sexual harassment, or to be falsely accused of lewd and lascivious behavior. A study showed almost 90% of reported sexual assaults, harassment and voyeurism in swimming pool and sports-center changing rooms happened in gender-neutral facilities.<sup>10</sup>
- 2) **Gender-neutral gang type bathrooms undermine and reduce the "safe-spaces" for victims of human trafficking.**
  - a. It is estimated that there are 24.9 million victims of human trafficking.<sup>11</sup> Victims of human trafficking are mostly women.<sup>12</sup> A public bathroom is a place where a victim can go in alone without their perpetrator. Awareness of this has set some states to require flyers of the National Human Trafficking Hotline Number to be posted in public bathrooms. The hope is that the victim can call for help and may possibly even find help from others inside the public bathroom while the perpetrator is not in sight.<sup>13, 14</sup> This slight hope for help will be taken away from the victim in a gender-neutral public bathroom where both men and women can enter.
- 3) **Gender-neutral gang type bathrooms discriminate against women and children by disproportionately decreasing available number of bathroom spaces for women and children, while men will have access to both water closet compartments and urinal spaces. In addition, the common use sink space discriminates against women and children by disproportionately decreasing the area available for women to address personal needs, such as menstrual or other medical care, nursing and baby changing activities.**
  - a. Gender-neutral public bathrooms place women and children at a significant disadvantage to biological men. While men can use both water closet compartments and urinals, women can only use the water closet compartments. The net effect reduces toilet provisions for women. Furthermore, women need safe spaces given their biological, health and sanitary needs such as menstruating, pregnancy or menopause. Given these needs, women tend to use the bathroom more often and do not feel comfortable using a public bathroom with men in it.<sup>15</sup>
  - b. Gender-neutral bathroom policies are not safe for school settings as demonstrated by lawsuits and sexual assault cases reported against schools with inclusion policies in Seattle and Atlanta.<sup>16, 17</sup> Parents are speaking out against this type of bathroom policy.<sup>18, 19, 20</sup>
  - c. Proponents and schools which had implemented gender-neutral bathrooms is citing problem of these bathrooms as being misused which defeats its purpose. There is lack of teacher resources to monitor the access to these bathrooms to prevent misuse. Teachers may be liable for "looking at student wrong", putting their livelihood and job at risk. Furthermore,

widespread multi-stall gender-neutral bathrooms might not be comfortable or safe space for everyone. Students are still uncomfortable using the bathroom. It proves these type of bathrooms are pointless, and wasteful.<sup>21, 22</sup>

- d. After the United Kingdom implemented gender-neutral policies in their school system, it resulted in an inordinate number of female students skipping school, refusing to urinate all day, and stopping drinking liquids at school. It was determined that female students were especially susceptible to increased mental pressure and embarrassment when mandated to share bathrooms with male students at the time of menstruation. Doctors and politicians joined together and called on their schools to halt the move towards gender-neutral bathrooms to prevent any further harm to female students.<sup>23</sup> As of now, UK bans these type of gender-neutral bathrooms in new or major refurbishment of commercial buildings.<sup>24</sup>

**4) Exception 6 is not necessary. Exceptions 1-5 provide sufficient guidance and latitude for businesses, schools, churches and other similar large-capacity, to provide gender-neutral spaces with adequate privacy protections.**

- a. The 2024 IPC already has provision for public gender-neutral user toilet rooms under Section 403.2 exceptions 3-5, and family or assisted-use toilet facilities under section 403.1.2, for any group who may have a concern, need, or claim to use non-sex designated public bathrooms.

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## REFERENCES & DOCUMENTS

<sup>1</sup> RAINN (Rape, Abuse & Incest National Network) Scope of the Problem: Statistics [https://www.rainn.org/statistics/scope-problem#:~:text=Every%2068%20seconds%20another%20American%20is%20sexually%20assaulted.&text=1%20out%20of%20every%206,completed%2C%202.8%25%20attempted\).&text=About%203%25%20of%20American%20men,completed%20rape%20in%20their%20lifetime](https://www.rainn.org/statistics/scope-problem#:~:text=Every%2068%20seconds%20another%20American%20is%20sexually%20assaulted.&text=1%20out%20of%20every%206,completed%2C%202.8%25%20attempted).&text=About%203%25%20of%20American%20men,completed%20rape%20in%20their%20lifetime).

<sup>2</sup> Registered Offenders List <https://www.registeredoffenderslist.org/>

<sup>3</sup> Sex Offender Infographic <https://www.registeredoffenderslist.org/img/Sexual-Predator-Infographic.jpg>

<sup>4</sup> See Endnote 1 above.

<sup>5</sup> A Longitudinal Analysis of Media Reports at Target Stores, Paul Dirks January 29, 2018 [https://www.academia.edu/58504589/Gender\\_Inclusion\\_Policies\\_and\\_Sexual\\_Violence\\_A\\_Longitudinal\\_Analysis\\_of\\_Media\\_Reports\\_at\\_Target\\_Stores](https://www.academia.edu/58504589/Gender_Inclusion_Policies_and_Sexual_Violence_A_Longitudinal_Analysis_of_Media_Reports_at_Target_Stores)

<sup>6</sup> Family Research Center Issue Brief on Bathroom Incidents, April 2017 <https://downloads.frc.org/EF/EF16F27.pdf>

<sup>7</sup> HB 1104 to Restricts Transgender Athletes from Participating in Sports Teams or Using School Bathrooms Based on Gender Identity. <https://www.legis.ga.gov/legislation/66567>

<sup>8</sup> Attorney General Chris Carr Has Filed Suit Against The Biden Administration's Revised Title IX Rule That Upends The Foundation of Women's Sports and Mandates That Males and Females Share Bathrooms. <https://LAW.GEORGIA.GOV/PRESS-RELEASES/2024-04-29/CARR-TAKES-ACTION-PROTECT-WOMENS-SPORTS#:~:TEXT=ATLANTA%2C%20GA%20%E2%80%93%20ATTORNEY%20GENERAL%20CHRIS,MALES%20AND%20FEMALES%20SHARE%20BATHROOMS>

<sup>9</sup> Executive Order 14168 Defending Women From Gender Ideology Extremism. <https://www.federalregister.gov/documents/2025/01/30/2025-02090/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal>

<sup>10</sup> Unisex Changing Rooms Put Women in Danger, Andrew Gilligan September 2, 2018, The Sunday Times <https://asteine8.github.io/data/Unisex%20changing%20rooms%20put%20women%20in%20danger%20%20News%20%20The%20Sunday%20Times.pdf>

<sup>11</sup> Human Trafficking Institute (TraffickingInstitute.org) <https://traffickinginstitute.org/breaking-down-global-estimates-of-human-trafficking-human-trafficking-awareness-month-2022/>

<sup>12</sup> Federal Human Trafficking Report, 2022 Executive Summary <https://traffickinginstitute.org/wp-content/uploads/2023/06/2022-Federal-Human-Trafficking-Report-WEB-LR.pdf>

<sup>13</sup> New Law Hopes to Curb Human Trafficking, Eileen Street, July 15, 2022 <https://spectrumnews1.com/ky/louisville/news/2020/07/15/house-bill-2-kentucky-law-human-trafficking-hotline-posters-public-restrooms>

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- <sup>14</sup> **Human Trafficking Hotline To Be Put In Public Restrooms Across Pennsylvania, Haley Potter, March 2, 2021**  
<https://www.weny.com/story/43428671/human-trafficking-hotline-to-be-put-in-public-restrooms-across-pennsylvania>
- <sup>15</sup> **UK Government Written Ministerial Statement, Kemi Badenoch July 4, 2022** <https://questions-statements.parliament.uk/written-statements/detail/2022-07-04/hcws172>
- <sup>16</sup> **Former Student Sues Seattle Schools Over Sexual Assault December 19, 2020, AP News** <https://apnews.com/article/lawsuits-seattle-sexual-assault-38d7b88d17e075ed6da7c20bcbf84c42>
- <sup>17</sup> **Complaint Says Transgender Bathroom Policy Led to Kindergarten Assault, Ty Tagami October 3, 2018, The Atlanta Journal-Constitution**  
<https://www.ajc.com/news/state--regional-education/child-sex-assault-case-decatur-schools-touches-national-debate-over-gender-identity/SKG4vOR4BCFpdrkynKSRyH/>
- <sup>18</sup> **Gender Neutral Toilets in Schools Aren't Working, Transgender Trend January 10, 2020** <https://www.transgendertrend.com/gender-neutral-toilets-schools/>
- <sup>19</sup> **Gender Neutral Bathroom Policy In Schools Is Not Gaining Support From Parents In Loudoun County, VA, Dick Uliano, September 28, 2021**  
<https://wtop.com/loudoun-county/2021/09/parents-teachers-against-loudoun-co-schools-transgender-policy-rally-outside-school-board-hq/>
- <sup>20</sup> **Mothers Urge Change to Stillwater Bathroom Policy, Ray Carter, April 13, 2022, Oklahoma Council of Public Affairs (OCPA)**  
<https://www.ocpathink.org/post/mothers-urge-change-to-stillwater-bathroom-policy>
- <sup>21</sup> **Students Confront Misuse Of Gender-Neutral Bathrooms, February 7, 2024, The Cypress Online**  
<https://thecypressonline.com/52740/longform/students-confront-misuse-of-gender-neutral-bathrooms/>
- <sup>22</sup> **Gender-Neutral Locker Room Plans Criticized, August 7, 2022, Press-Telegram (Long Beach)**  
<https://www.pressreader.com/usa/press-telegram-long-beach/20220807/page/1/textview>
- <sup>23</sup> **Girls Are Skipping School To Avoid Sharing Gender-Neutral Toilets With Boys, Sanchez Manning, October 7, 2019, Daily Mail**  
<https://archive.ph/2GPVR#selection-939.0-939.119>
- <sup>24</sup> **UK Government To Lay New Law To Halt The March Of Gender-Neutral Toilets In Buildings, May 6 2024**  
<https://www.gov.uk/government/news/government-to-lay-new-law-to-halt-the-march-of-gender-neutral-toilets-in-buildings#:~:text=Changes%20to%20building%20regulations%20will,toilets%20for%20women%20and%20men.>