

Trans and Intersex: Restrooms and Locker Rooms

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In recent years, we've seen an uptick in legislation attempting to particularly ban transgender and intersex people from using the restrooms and locker rooms that align with their gender—despite the fact that transgender and intersex people need to use the restroom just like everyone else.

While these types of bans impact our transgender and intersex communities the most, in reality it impacts people of all genders due to the policing of bodies that these types of bans provoke. There have even been many stories of cisgender people, particularly cisgender women, being harassed in public restrooms because they were assumed to be transgender based on their appearance.

These bans almost never account for the existence of intersex people, or the fact that sex characteristics and appearance vary widely. Bathroom and locker room bans in youth settings (i.e. schools) can be incredibly harmful and can lead to bullying, among other consequences that can lead to physical, emotional, and mental harm.

Key messaging ✓

- Transgender and intersex people need to use the bathroom just like everyone else.
- Restroom bans impact people of all genders, as they increase scrutiny and discrimination towards all people (trans, intersex, or not) based on gender and appearance.
- Safety and privacy are important to all of us, and excluding trans and intersex people from using the restroom threatens their safety without protecting anyone.
- All people deserve to use the bathroom, and excluding people from using the restroom they feel most comfortable in denies an entire population a basic necessity.

Avoid ✗

- Implying or stating that intersex people are not affected by restroom and locker room bills.
- Implying or stating that stronger “intersex exceptions” would solve the problem of restroom discrimination.

Restroom Bill Impacts

- Trans and intersex people often face discrimination in accessing public restrooms and in other public settings.

- For intersex people, this may be because of outwardly gender non-conforming features related to their intersex variation; because they are open about their intersex variation; or because they are outed.
- Many existing facility bans are extremely vague, and rely only on binary references to sex chromosomes and/or genital and/or reproductive anatomy.
 - The bans that can be applied to intersex people—like those based on only one sex characteristic—risk preventing them from using the bathroom that aligns best with their gender identity.
 - The bans that cannot be applied to intersex people—like those who group all sex traits into two binary categories—risk banning many intersex people from restrooms and locker rooms altogether.
- Some bills have vague, so-called “intersex exceptions.”
 - These are based on the belief that all intersex people are simply “males or females with disorders”, rather than representing the complexity of sex traits.
 - Intersex people would generally have to out themselves, and prove to a school, employer, or government agency that they have a “congenital and medically verifiable [intersex] diagnosis.” They may be turned away until they produce medical records.
 - The “exceptions” offer no clear protections. “Accommodations” are often defined narrowly, to include forcing trans or intersex people to use separate and inadequate restrooms or other facilities.
 - With or without “exceptions,” intersex people are not protected from the scrutiny, harassment and discrimination that restroom bills produce.
- Bringing intersex people into the conversation can shift the anti-trans narrative.
 - A January 2023 national YouGov poll found more people expressed support for a pro-LGBTQI+ position, and more people were undecided, on nonconsensual surgeries on intersex children than on gender-affirming hormonal or surgical care for trans youth.
 - Many people can understand that (genital surgery on) infants and (hormones and sometimes top surgeries for) teens are different, and their opinions about intersex children are less hardened.

Critical Data:

- [State-level anti-trans bill tracker](#) (Trans Formations Project)
- [2023 Legislative Attacks with “Intersex Exceptions”](#) (NCTE)