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March 14, 2016

Karen L. Smith, MD, MPH, Director and State Public Health Officer  
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**RE: AB 1732 (Ting): – Single User Restrooms: OPPOSE UNLESS AMENDED**

Dear Dr. Smith:

The California Conference of Local Health Officers (CCLHO) voted at the CCLHO Board meeting on March 3, 2016 to take an Oppose unless Amended recommendation on AB 1732 (Ting).

CCLHO opposes AB 1732 unless the bill is amended to remove inspections by local health officers. This bill would add to Chapter 2 of Part 15 of Division 104 of the Health and Safety code the requirement that a toilet facility located in any business or place of public accommodation with only one water closet be identified as an all gender toilet facility. Furthermore, during any inspection of a business or a place of public accommodation by a health officer or inspector, the inspector may inspect for compliance with this section.

CCLHO recognizes the need to respect and accommodate the needs of individuals who identify across the gender spectrum, and indeed recognizes that equitable restroom access is a public health concern which AB1732 seeks to address. However, signage on public restrooms falls outside the purview of the Health Officer. While local environmental health programs do inspect restaurant public restrooms to assure hot water is available for hand washing to reduce the risk of food borne illness, this inspection does not extend to signage. CCLHO respectfully recommends that CDPH oppose AB 1732 unless amended to remove the requirement for inspection by a health officer. Inspection and enforcement of signage can appropriately be done under authorities other than those of the Health Officer. Without this amendment, AB 1732 would expand the role of the local health officer to an area not requiring health officer expertise.

This position of oppose unless amended to remove the health officer inspection requirement is consistent with CCLHO's legislative priority of commenting on legislation that would change the role of the health officer.

As you are aware, CCLHO was established in statute in 1947 to advise the California Department of Health Services (now the California Department of Public Health), other departments, boards, and commissions, as well as officials of federal, state and local agencies, the Legislature and other organizations on all matters affecting health. CCLHO membership consists of all legally appointed physician health officers in California's 61 city and county jurisdictions.

If you have questions, please contact me at [jberreman@ci.berkeley.ca.us](mailto:jberreman@ci.berkeley.ca.us) or 510-981-5301. Thank you.

Sincerely,

*Original signed by Dr. Janet Berreman*

Janet Berreman, MD, MPH  
President, California Conference of Local Health Officers