

WELCOME TO THE MONTGOMERY COUNTY COUNCIL SPIN ZONE

BILL 23-07 (PASSED NOV 13TH)

Question: But the council said there is an exception for “distinctly private or personal facilities”.....

The county council is referring to pre-existing law which describes an exception for “distinctly private or personal facilities”. The “distinctly private or personal facilities” refers to privately owned property (ie, your house), and does not specifically protect showers and locker rooms. [Full text of the code.](#), This is a deliberate attempt by the Council to once again mislead the public.

According to Susan Jamison, a Poolesville attorney, “The reference to “[private accommodations](#)” is being used as a smokescreen.”

“It has no relevance to bathroom and locker room facilities at places of public accommodations. Places of public accommodations include all the normal public places such as department stores, movie theatres, public pools, etc. per the definition contained in Montgomery County Code Section 27-10. **It does not prevent the broad language of the law from being forced to permit biologic males into the women's restrooms by the new laws clear wording and the stated and recognized intention of the HRC to do just that all over this county.**”

Question: But the council said the Bill is Silent on the issue of bathrooms and locker rooms....

The Bill is silent on this issue, if you can call the broad entitlement language "Silence". Indeed the law now will provide as stated:

"An owner... of any place of public accommodation in the County must not, with respect to the accommodation: ...make any distinction with respect to any person based on.... gender identity.... in connecton with: ... the use of any facility.....

So you can expect the HRC to enforce it to promote biologic males entry into the facilities offered at places of public accommodations such as female restrooms and locker rooms at pools, stores and schools around the county.

[Sec. 27-11 Discriminatory practices.](#)

(a) An owner, lessee, operator, manager, agent, or employee of any place of public accommodation in the County must not, with respect to the accommodation:

(1) make any distinction with respect to any person based on race, color, sex, marital status, religious creed, ancestry, national origin, disability, (AND NOW gender identity) or sexual orientation in connection with:

- (A) admission;**
- (B) service or sales; or**
- (C) price, quality, or use of any facility or service;**

Question: But the council said the operators of those facilities will continue to decide who can use them...

Until yesterday, court cases in Maryland recognized that biologic males had no legal right to enter a female restroom or locker room.

The county attorney's office indicated in [its October 1st 2007 memo](#), that a *public accommodations operator, could after the bill was passed, decide who can use them.*

This memo was reference by the Montgomery County Council in the October 15th memo in recognition that the county attorney's interpretation differed from that of the Human Rights Commission. Tellingly, the county attorney's opinion was REMOVED FROM final Mihill memo which accompanied the final bill passed on November 13th, though the Montgomery County Council is still referencing this statement to the press.

The county's attorney gave no recognition to Maryland case law which has traditionally kept men out of women's restrooms. The Montgomery County Council, in the face of the explicit, declared intention of the Human Rights Commission to force public accommodations operators to open their women's restrooms to men, is doing nothing to prevent such enforcement.

Under either interpretation, women and children will not know when entering a public restroom or locker room, if a biologic male is there with the permission of or by the compulsion of, the owner. The traditional right to keep men out of women's restrooms and locker rooms is Montgomery County was soundly and unjustly defeated yesterday leaving women and children insecure and vulnerable!