

# HOUSE BILL 1244

P1, D5

9lr1769  
CF SB 330

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By: **Delegates Acevero, Charles, Pena–Melnyk, Corderman, W. Fisher, Harrison, Hettleman, Ivey, Jackson, Johnson, Kelly, Lehman, J. Lewis, R. Lewis, Lierman, Lopez, McKay, Palakovich Carr, Qi, Queen, Solomon, Stewart, Sydnor, Terrasa, Turner, C. Watson, and Wilkins**

Introduced and read first time: February 8, 2019

Assigned to: Health and Government Operations and Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Buildings and Places of Public Accommodation – Diaper–Changing**  
3 **Facilities**

4 FOR the purpose of requiring, except under certain circumstances, that a diaper–changing  
5 facility be installed in certain public restrooms in certain public buildings and certain  
6 public restrooms in places of public accommodation; requiring the Board of Public  
7 Works, through the Department of General Services, to adopt certain standards;  
8 requiring a certain standard to be filed with the Secretary of State; providing that  
9 the Department of General Services, the University System of Maryland, and the  
10 Department of Transportation are responsible for the enforcement of certain  
11 provisions of this Act under certain circumstances; providing that the governing body  
12 of a political subdivision is responsible for enforcement of certain provisions of this  
13 Act under certain circumstances; providing that the design of certain public building  
14 restrooms is governed by this Act; defining certain terms; and generally relating to  
15 diaper–changing facilities in public buildings and places of public accommodation.

16 BY adding to

17 Article – State Finance and Procurement  
18 Section 2–801 through 2–803 to be under the new subtitle “Subtitle 8.  
19 Diaper–Changing Facilities”  
20 Annotated Code of Maryland  
21 (2015 Replacement Volume and 2018 Supplement)

22 BY repealing and reenacting, without amendments,

23 Article – State Government  
24 Section 20–301  
25 Annotated Code of Maryland  
26 (2014 Replacement Volume and 2018 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to  
2 Article – State Government  
3 Section 20–307  
4 Annotated Code of Maryland  
5 (2014 Replacement Volume and 2018 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
7 That the Laws of Maryland read as follows:

8 **Article – State Finance and Procurement**

9 **SUBTITLE 8. DIAPER–CHANGING FACILITIES.**

10 **2–801.**

11 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
12 INDICATED.

13 (B) “DIAPER–CHANGING FACILITY” MEANS A TABLE OR OTHER DEVICE  
14 SUITABLE FOR CHANGING THE DIAPER OF A CHILD UNDER THE AGE OF 4 YEARS.

15 (C) (1) “PUBLIC BUILDING” MEANS A BUILDING, A STRUCTURE, OR AN  
16 IMPROVED AREA THAT IS:

17 (I) OWNED BY THE STATE OR A POLITICAL SUBDIVISION OF THE  
18 STATE; OR

19 (II) CONSTRUCTED FOR LEASE BY THE STATE OR A POLITICAL  
20 SUBDIVISION OF THE STATE.

21 (2) “PUBLIC BUILDING” INCLUDES:

22 (I) A PUBLIC MASS TRANSPORTATION ACCOMMODATION, SUCH  
23 AS A TERMINAL OR STATION, THAT IS SUPPORTED BY PUBLIC FUNDS; AND

24 (II) AN IMPROVEMENT OF A PUBLIC AREA USED FOR  
25 GATHERING OR AMUSEMENT, INCLUDING A PUBLIC PARK OR RECREATION CENTER.

26 (3) “PUBLIC BUILDING” DOES NOT INCLUDE A FACILITY THAT IS  
27 PRIMARILY USED TO PROVIDE PRIMARY OR SECONDARY EDUCATION.

28 (D) “PUBLIC RESTROOM” MEANS A SANITARY FACILITY AVAILABLE TO THE  
29 GENERAL PUBLIC THAT CONTAINS AT LEAST ONE TOILET OR URINAL.

1 (E) "SUBSTANTIAL RENOVATION" MEANS A CONSTRUCTION OR  
2 RENOVATION PROJECT WITH AN ESTIMATED COST OF \$10,000 OR MORE.

3 2-802.

4 (A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IN A  
5 PUBLIC BUILDING, A DIAPER-CHANGING FACILITY SHALL BE INSTALLED IN AT  
6 LEAST ONE PUBLIC RESTROOM OR, IF THE RESTROOMS ARE DIVIDED BY GENDER, IN  
7 AT LEAST ONE MEN'S PUBLIC RESTROOM AND ONE WOMEN'S PUBLIC RESTROOM IF:

8 (1) THE PUBLIC BUILDING IS CONSTRUCTED ON OR AFTER OCTOBER  
9 1, 2019;

10 (2) A PUBLIC RESTROOM IS CONSTRUCTED IN A PUBLIC BUILDING ON  
11 OR AFTER OCTOBER 1, 2019; OR

12 (3) A PUBLIC RESTROOM IN A PUBLIC BUILDING UNDERGOES  
13 SUBSTANTIAL RENOVATION ON OR AFTER OCTOBER 1, 2019.

14 (B) (1) THE BOARD OF PUBLIC WORKS, THROUGH THE DEPARTMENT OF  
15 GENERAL SERVICES, SHALL ADOPT STANDARDS THAT A DIAPER-CHANGING  
16 FACILITY MUST MEET IN ORDER TO COMPLY WITH THE REQUIREMENTS OF  
17 SUBSECTION (A) OF THIS SECTION.

18 (2) THE STANDARDS SHALL BE FILED WITH THE SECRETARY OF  
19 STATE.

20 (C) A DIAPER-CHANGING FACILITY IS NOT REQUIRED TO BE INSTALLED  
21 UNDER THIS SECTION IF A BUILDING INSPECTOR OF THE LOCAL JURISDICTION IN  
22 WHICH A PUBLIC BUILDING IS LOCATED DETERMINES THAT THE INSTALLATION OF  
23 A DIAPER-CHANGING FACILITY:

24 (1) IS NOT FEASIBLE; OR

25 (2) WOULD RESULT IN A FAILURE TO COMPLY WITH APPLICABLE  
26 BUILDING STANDARDS GOVERNING THE RIGHT OF ACCESS FOR INDIVIDUALS WITH  
27 DISABILITIES.

28 2-803.

29 (A) THE DEPARTMENT OF GENERAL SERVICES, THE UNIVERSITY SYSTEM  
30 OF MARYLAND, AND THE DEPARTMENT OF TRANSPORTATION ARE RESPONSIBLE

1 **FOR THE ENFORCEMENT OF THIS SUBTITLE IN THE PUBLIC BUILDINGS UNDER EACH**  
2 **ENTITY’S CONTROL IF:**

3 (1) **ANY STATE CAPITAL NONSCHOOL FUNDS ARE USED; OR**

4 (2) **CONSTRUCTION IS ON STATE-OWNED LAND.**

5 (B) **THE GOVERNING BODY OF A POLITICAL SUBDIVISION IS RESPONSIBLE**  
6 **FOR THE ENFORCEMENT OF THIS SUBTITLE IF:**

7 (1) **CONSTRUCTION IS NOT ON STATE-OWNED LAND;**

8 (2) **FUNDS OF THE POLITICAL SUBDIVISION ARE USED; AND**

9 (3) **NO STATE FUNDS ARE USED, EXCEPT FOR STATE FUNDS FOR**  
10 **SCHOOL CONSTRUCTION.**

#### 11 **Article – State Government**

12 20–301.

13 In this subtitle, “place of public accommodation” means:

14 (1) an inn, hotel, motel, or other establishment that provides lodging to  
15 transient guests;

16 (2) a restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or  
17 other facility principally engaged in selling food or alcoholic beverages for consumption on  
18 or off the premises, including a facility located on the premises of a retail establishment or  
19 gasoline station;

20 (3) a motion picture house, theater, concert hall, sports arena, stadium, or  
21 other place of exhibition or entertainment;

22 (4) a retail establishment that:

23 (i) is operated by a public or private entity; and

24 (ii) offers goods, services, entertainment, recreation, or  
25 transportation; and

26 (5) an establishment:

27 (i) 1. that is physically located within the premises of any other  
28 establishment covered by this subtitle; or



1                   **(2) WOULD RESULT IN A FAILURE TO COMPLY WITH APPLICABLE**  
2 **BUILDING STANDARDS GOVERNING THE RIGHT OF ACCESS FOR INDIVIDUALS WITH**  
3 **DISABILITIES.**

4                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2019.