

HOUSE BILL 1244

P1, D5

9lr1769
CF SB 330

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 Wilkins, Barron, Bhandari, Carr, Hill, Kerr, Pendergrass, Sample–Hughes, and K. Young

Introduced and read first time: February 8, 2019

Assigned to: Health and Government Operations and Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2019

CHAPTER _____

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~~ establishing that a diaper–changing facility is not
15 required to be installed if a local building inspector makes a certain determination;
16 defining certain terms; and generally relating to diaper–changing facilities in public
17 buildings ~~and places of public accommodation~~.

18 BY adding to
19 Article – State Finance and Procurement

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 2–801 through 2–803 to be under the new subtitle “Subtitle 8.
 2 Diaper–Changing Facilities”
 3 Annotated Code of Maryland
 4 (2015 Replacement Volume and 2018 Supplement)

5 ~~BY repealing and reenacting, without amendments,~~
 6 ~~Article – State Government~~
 7 ~~Section 20–301~~
 8 ~~Annotated Code of Maryland~~
 9 ~~(2014 Replacement Volume and 2018 Supplement)~~

10 ~~BY adding to~~
 11 ~~Article – State Government~~
 12 ~~Section 20–307~~
 13 ~~Annotated Code of Maryland~~
 14 ~~(2014 Replacement Volume and 2018 Supplement)~~

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

17 **Article – State Finance and Procurement**

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

19 **2–801.**

20 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 21 INDICATED.

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

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

26 (I) OWNED BY THE STATE ~~OR A POLITICAL SUBDIVISION OF THE~~
 27 ~~STATE~~; OR

28 (II) CONSTRUCTED FOR LEASE BY THE STATE ~~OR A POLITICAL~~
 29 ~~SUBDIVISION OF THE STATE.~~

30 (2) “PUBLIC BUILDING” INCLUDES:

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

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

3 (3) "PUBLIC BUILDING" DOES NOT INCLUDE A FACILITY THAT IS
4 PRIMARILY USED TO PROVIDE PRIMARY OR SECONDARY EDUCATION.

5 (D) "PUBLIC RESTROOM" MEANS A SANITARY FACILITY AVAILABLE TO THE
6 GENERAL PUBLIC THAT CONTAINS AT LEAST ONE TOILET OR URINAL.

7 (E) "SUBSTANTIAL RENOVATION" MEANS A CONSTRUCTION OR
8 RENOVATION PROJECT WITH AN ESTIMATED COST OF ~~\$10,000~~ \$50,000 OR MORE.

9 2-802.

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

14 (1) THE PUBLIC BUILDING IS CONSTRUCTED ON OR AFTER OCTOBER
15 1, 2019;

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

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

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

24 (2) THE STANDARDS SHALL BE FILED WITH THE SECRETARY OF
25 STATE.

26 (C) A DIAPER-CHANGING FACILITY IS NOT REQUIRED TO BE INSTALLED
27 UNDER THIS SECTION IF A BUILDING INSPECTOR ~~OF THE LOCAL JURISDICTION IN~~
28 ~~WHICH A~~ THAT HAS JURISDICTION OVER THE PUBLIC BUILDING ~~IS LOCATED~~
29 DETERMINES THAT THE INSTALLATION OF A DIAPER-CHANGING FACILITY:

30 (1) IS NOT ~~FEASIBLE~~ PRACTICABLE; OR

1 (ii) ~~offers goods, services, entertainment, recreation, or~~
2 ~~transportation; and~~

3 ~~(5) an establishment:~~

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

6 ~~2. within the premises of which any other establishment~~
7 ~~covered by this subtitle is physically located; and~~

8 ~~(ii) that holds itself out as serving patrons of the covered~~
9 ~~establishment.~~

10 ~~20-307.~~

11 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
12 ~~INDICATED.~~

13 ~~(2) "DIAPER CHANGING FACILITY" MEANS A TABLE OR OTHER~~
14 ~~DEVICE SUITABLE FOR CHANGING THE DIAPER OF A CHILD UNDER THE AGE OF 4~~
15 ~~YEARS.~~

16 ~~(3) "PUBLIC RESTROOM" MEANS A SANITARY FACILITY AVAILABLE~~
17 ~~TO THE GENERAL PUBLIC THAT CONTAINS AT LEAST ONE TOILET OR URINAL.~~

18 ~~(4) "SUBSTANTIAL RENOVATION" MEANS A CONSTRUCTION OR~~
19 ~~RENOVATION PROJECT WITH AN ESTIMATED COST OF \$10,000 OR MORE.~~

20 ~~(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IN A PLACE~~
21 ~~OF PUBLIC ACCOMMODATION, A DIAPER CHANGING FACILITY SHALL BE INSTALLED~~
22 ~~IN AT LEAST ONE PUBLIC RESTROOM OR, IF THE PUBLIC RESTROOMS ARE DIVIDED~~
23 ~~BY GENDER, IN AT LEAST ONE MEN'S PUBLIC RESTROOM AND ONE WOMEN'S PUBLIC~~
24 ~~RESTROOM IF:~~

25 ~~(1) THE PLACE OF PUBLIC ACCOMMODATION IS CONSTRUCTED ON OR~~
26 ~~AFTER OCTOBER 1, 2019;~~

27 ~~(2) A PUBLIC RESTROOM IN THE PLACE OF PUBLIC ACCOMMODATION~~
28 ~~IS CONSTRUCTED ON OR AFTER OCTOBER 1, 2019; OR~~

29 ~~(3) A PUBLIC RESTROOM IN THE PLACE OF PUBLIC ACCOMMODATION~~
30 ~~UNDERGOES SUBSTANTIAL RENOVATION ON OR AFTER OCTOBER 1, 2019.~~

1 ~~(c) A DIAPER CHANGING FACILITY IS NOT REQUIRED TO BE INSTALLED IN~~
 2 ~~A PLACE OF PUBLIC ACCOMMODATION UNDER THIS SECTION IF A BUILDING~~
 3 ~~INSPECTOR OF THE LOCAL JURISDICTION IN WHICH THE PLACE OF PUBLIC~~
 4 ~~ACCOMMODATION IS LOCATED DETERMINES THAT INSTALLATION OF A~~
 5 ~~DIAPER CHANGING FACILITY:~~

6 ~~(1) IS NOT FEASIBLE; OR~~

7 ~~(2) WOULD RESULT IN A FAILURE TO COMPLY WITH APPLICABLE~~
 8 ~~BUILDING STANDARDS GOVERNING THE RIGHT OF ACCESS FOR INDIVIDUALS WITH~~
 9 ~~DISABILITIES.~~

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.