

SENATE BILL 330

P1, D5

9lr1306
CF HB 1244

By: **Senators Smith, Guzzone, King, Lee, Patterson, Waldstreicher, West, and Zucker**

Introduced and read first time: January 30, 2019

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 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; 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,~~

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 ~~Article – State Government~~
 2 ~~Section 20–301~~
 3 ~~Annotated Code of Maryland~~
 4 ~~(2014 Replacement Volume and 2018 Supplement)~~

5 ~~BY adding to~~
 6 ~~Article – State Government~~
 7 ~~Section 20–307~~
 8 ~~Annotated Code of Maryland~~
 9 ~~(2014 Replacement Volume and 2018 Supplement)~~

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

12 **Article – State Finance and Procurement**

13 **SUBTITLE 8. DIAPER-CHANGING FACILITIES.**

14 **2–801.**

15 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 16 INDICATED.

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

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

21 (I) OWNED BY THE STATE OR A POLITICAL SUBDIVISION OF THE
 22 STATE; OR

23 (II) CONSTRUCTED FOR LEASE BY THE STATE OR A POLITICAL
 24 SUBDIVISION OF THE STATE.

25 (2) “PUBLIC BUILDING” INCLUDES:

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

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

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

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

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

5 **2-802.**

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

10 (1) THE PUBLIC BUILDING IS CONSTRUCTED ON OR AFTER OCTOBER
11 1, 2019;

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

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

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

20 (2) THE STANDARDS SHALL BE FILED WITH THE SECRETARY OF
21 STATE.

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

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

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

30 **2-803.**

1 (A) THE DEPARTMENT OF GENERAL SERVICES, THE UNIVERSITY SYSTEM
 2 OF MARYLAND, AND THE DEPARTMENT OF TRANSPORTATION ARE RESPONSIBLE
 3 FOR THE ENFORCEMENT OF THIS SUBTITLE IN THE PUBLIC BUILDINGS UNDER EACH
 4 ENTITY'S CONTROL IF:

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

6 (2) CONSTRUCTION IS ON STATE-OWNED LAND.

7 (B) THE GOVERNING BODY OF A POLITICAL SUBDIVISION IS RESPONSIBLE
 8 FOR THE ENFORCEMENT OF THIS SUBTITLE IF:

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

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

11 (3) NO STATE FUNDS ARE USED, EXCEPT FOR STATE FUNDS FOR
 12 SCHOOL CONSTRUCTION.

13 ~~Article State Government~~

14 ~~20-301.~~

15 In this subtitle, ~~"place of public accommodation" means:~~

16 (1) ~~an inn, hotel, motel, or other establishment that provides lodging to~~
 17 ~~transient guests;~~

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

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

24 (4) ~~a retail establishment that:~~

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

26 (ii) ~~offers goods, services, entertainment, recreation, or~~
 27 ~~transportation; and~~

28 (5) ~~an establishment;~~

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

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

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

7 ~~20-307.~~

8 (A) ~~(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
9 ~~INDICATED.~~

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

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

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

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

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

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

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

28 (C) ~~A DIAPER CHANGING FACILITY IS NOT REQUIRED TO BE INSTALLED IN~~
29 ~~A PLACE OF PUBLIC ACCOMMODATION UNDER THIS SECTION IF A BUILDING~~
30 ~~INSPECTOR OF THE LOCAL JURISDICTION IN WHICH THE PLACE OF PUBLIC~~
31 ~~ACCOMMODATION IS LOCATED DETERMINES THAT INSTALLATION OF A~~
32 ~~DIAPER CHANGING FACILITY:~~

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.