

HOUSE BILL 10

P1

(PRE-FILED)

01r0508
CF SB 44

By: **Delegate Ebersole**

Requested: July 20, 2019

Introduced and read first time: January 8, 2020

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Buildings – Changing Facilities for Adult Diapers**

3 FOR the purpose of requiring, except under certain circumstances, that a diaper-changing
4 facility suitable for changing the diaper of an adult be installed in certain public
5 restrooms in certain public buildings; requiring certain entities responsible for the
6 enforcement of this Act to report to the Department of General Services the location
7 of a diaper-changing facility suitable for changing the diaper of an adult when the
8 diaper-changing facility is installed; requiring the Department to maintain on its
9 website a list containing all the locations of certain diaper-changing facilities;
10 altering a certain definition; and generally relating to diaper-changing facilities in
11 public buildings.

12 BY repealing and reenacting, with amendments,
13 Article – State Finance and Procurement
14 Section 2–801 through 2–803
15 Annotated Code of Maryland
16 (2015 Replacement Volume and 2019 Supplement)

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

19 **Article – State Finance and Procurement**

20 2–801.

21 (a) In this subtitle the following words have the meanings indicated.

22 (b) “Diaper-changing facility” means a table or other device suitable for changing
23 [the] A diaper [of a child under the age of 4 years].

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) (1) “Public building” means a building, a structure, or an improved area
2 that is:

3 (i) owned by the State or a political subdivision of the State; or

4 (ii) constructed for lease by the State or a political subdivision of the
5 State.

6 (2) “Public building” includes:

7 (i) a public mass transportation accommodation, such as a terminal
8 or station, that is supported by public funds; and

9 (ii) an improvement of a public area used for gathering or
10 amusement, including a public park or recreation center.

11 (3) “Public building” does not include a facility that is primarily used to
12 provide primary or secondary education.

13 (d) “Public restroom” means a sanitary facility available to the general public that
14 contains at least one toilet or urinal.

15 (e) “Substantial renovation” means a construction or renovation project with an
16 estimated cost of \$30,000 or more.

17 2–802.

18 (a) Except as provided in subsection [(c)] (B) of this section, in a public building,
19 a diaper-changing facility **SUITABLE FOR CHANGING THE DIAPER OF A CHILD OR AN**
20 **ADULT** shall be installed in at least one public restroom or, if the restrooms are divided by
21 gender, in at least one men’s public restroom and one women’s public restroom if:

22 (1) the public building is constructed on or after October 1, [2019] **2020**;

23 (2) a public restroom is constructed in a public building on or after October
24 1, [2019] **2020**; or

25 (3) a public restroom in a public building undergoes substantial renovation
26 on or after October 1, [2019] **2020**.

27 [(b) (1) The Board of Public Works, through the Department of General
28 Services, shall adopt standards that a diaper-changing facility must meet in order to
29 comply with the requirements of subsection (a) of this section.

30 (2) The standards shall be filed with the Secretary of State.]

1 **[(c)] (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
2 **SUBSECTION, A DIAPER-CHANGING FACILITY SUITABLE FOR CHANGING THE DIAPER**
3 **OF A CHILD UNDER THE AGE OF 4 YEARS SHALL BE INSTALLED IF A BUILDING**
4 **INSPECTOR THAT HAS JURISDICTION OVER THE PUBLIC BUILDING DETERMINES**
5 **THAT THE INSTALLATION OF A DIAPER-CHANGING FACILITY SUITABLE FOR**
6 **CHANGING THE DIAPER OF AN ADULT:**

7 **(I) IS NOT PRACTICABLE; OR**

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

11 **(2)** A diaper-changing facility is not required to be installed under this
12 section if a building inspector that has jurisdiction over the public building determines that
13 the installation of a diaper-changing facility:

14 **[(1)] (I)** is not practicable; or

15 **[(2)] (II)** would result in a failure to comply with applicable building
16 standards governing the right of access for individuals with disabilities.

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

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

23 2-803.

24 (a) The Department of General Services, the University System of Maryland, and
25 the Department of Transportation are responsible for the enforcement of this subtitle in
26 the public buildings under each entity's control if:

27 (1) any State capital nonschool funds are used; or

28 (2) construction is on State-owned land.

29 (b) The governing body of a political subdivision is responsible for the
30 enforcement of this subtitle if:

31 (1) construction is not on State-owned land;

1 (2) funds of the political subdivision are used; and

2 (3) no State funds are used, except for State funds for school construction.

3 (C) (1) AN ENTITY RESPONSIBLE FOR THE ENFORCEMENT OF THIS
4 SUBTITLE SHALL REPORT THE LOCATION OF A DIAPER-CHANGING FACILITY
5 SUITABLE FOR CHANGING THE DIAPER OF AN ADULT TO THE DEPARTMENT OF
6 GENERAL SERVICES WHEN THE DIAPER-CHANGING FACILITY IS INSTALLED.

7 (2) THE DEPARTMENT OF GENERAL SERVICES SHALL MAINTAIN ON
8 ITS WEBSITE A LIST CONTAINING ALL THE LOCATIONS OF THE DIAPER-CHANGING
9 FACILITIES REPORTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2020.