
By: **Delegate Montague**

Introduced and read first time: February 12, 1998

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Buildings - Public Access - Facilities to Accommodate Children and Elderly**
3 **Persons**

4 FOR the purpose of requiring that plans and specifications for the construction of
5 publicly funded buildings, structures, and improved areas to which the public
6 has access for certain purposes provide facilities to accommodate the needs of
7 children and elderly persons; defining terms; requiring certain minimum
8 standards to be published; providing an exception; providing for the enforcement
9 and applicability of this Act; and generally relating to the design of buildings in
10 the State to accommodate the needs of children and elderly persons.

11 BY adding to

12 Article - State Finance and Procurement

13 Section 2-5A-01 through 2-5A-05 to be under the new subtitle "Subtitle 5A.

14 Facilities for Children and Elderly Persons in Buildings with Public
15 Access"

16 Annotated Code of Maryland

17 (1995 Replacement Volume and 1997 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - State Finance and Procurement**

21 SUBTITLE 5A. FACILITIES FOR CHILDREN AND ELDERLY PERSONS IN BUILDINGS
22 WITH PUBLIC ACCESS.

23 2-5A-01.

24 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
25 INDICATED.

26 (B) "BUILDING" MEANS A BUILDING, STRUCTURE, OR IMPROVED AREA THE
27 CONSTRUCTION OF WHICH IS PUBLICLY FUNDED AND TO WHICH THERE IS PUBLIC
28 ACCESS.

1 (C) "FACILITIES TO ACCOMMODATE THE NEEDS OF CHILDREN AND ELDERLY
2 PERSONS" INCLUDE:

3 (1) PLAY AREAS DESIGNED FOR CHILDREN UP TO THE AGE OF 12 YEARS;

4 (2) REST ROOMS WITH APPROPRIATE SPACE AND FACILITIES FOR
5 DIAPER CHANGES FOR INFANTS AND TODDLERS;

6 (3) REST AREAS WITH COMFORTABLE SEATING;

7 (4) PROTECTIVE RAILINGS, FENCES, AND GATES; AND

8 (5) ANY OTHER ELEMENTS OF DESIGN THAT ACCOMMODATE THE
9 NEEDS OF CHILDREN AND THE ELDERLY.

10 (D) "PUBLIC ACCESS" MEANS OPEN TO THE GENERAL PUBLIC FOR
11 RECREATIONAL, EDUCATIONAL, CULTURAL, ENTERTAINMENT, OR OTHER
12 REASONABLE PUBLIC PURPOSE.

13 (E) "PUBLICLY FUNDED" MEANS:

14 (1) FUNDED ENTIRELY OR AT LEAST 50% IN PART WITH THE PROCEEDS
15 OF THE SALE OF GENERAL OBLIGATION OR REVENUE BONDS OF THE STATE;

16 (2) FUNDED ENTIRELY OR AT LEAST 50% IN PART WITH STATE GENERAL
17 OR SPECIAL FUNDS; OR

18 (3) THE ACCEPTANCE OF ANY INCOME OR PROPERTY TAX CREDIT OR
19 EXEMPTION GRANTED UNDER STATE LAW TO THE PERSON THAT CONSTRUCTS OR
20 OWNS THE BUILDING IF THE TAX CREDIT IS EQUAL TO AT LEAST 50% OF THE COST OF
21 CONSTRUCTION OF THE BUILDING.

22 2-5A-02.

23 IN ADDITION TO ANY OTHER PROVISION OF LAW, THE DESIGN OF ANY
24 BUILDING IN THE STATE IS GOVERNED BY THIS SUBTITLE.

25 2-5A-03.

26 PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF ANY BUILDING IN
27 THE STATE SHALL PROVIDE FACILITIES TO ACCOMMODATE THE NEEDS OF
28 CHILDREN AND ELDERLY PERSONS.

29 2-5A-04.

30 (A) THE BOARD OF PUBLIC WORKS, THROUGH THE DEPARTMENT OF GENERAL
31 SERVICES, SHALL PUBLISH MINIMUM STANDARDS FOR FACILITIES TO
32 ACCOMMODATE THE NEEDS OF CHILDREN AND ELDERLY PERSONS IN BUILDINGS.

1 (B) THE STANDARDS MAY NOT REQUIRE FACILITIES FOR CHILDREN AND
2 ELDERLY PERSONS IN ANY PART OF A BUILDING THAT IS NOT OPEN TO OR USED BY
3 THE GENERAL PUBLIC.

4 (C) THE APPROPRIATE CONTRACTING AUTHORITY SHALL DETERMINE
5 WHETHER THE PLANS AND SPECIFICATIONS FOR ANY PUBLIC BUILDING
6 CONSTRUCTED MEET THE STANDARDS ADOPTED UNDER THIS SECTION.

7 (D) THE STANDARDS SHALL BE FILED WITH THE SECRETARY OF STATE.

8 2-5A-05.

9 THE DEPARTMENT OF GENERAL SERVICES IS RESPONSIBLE FOR THE
10 ENFORCEMENT OF THIS SUBTITLE IF:

11 (1) ANY STATE FUNDS ARE USED; OR

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
14 construed only prospectively and may not be applied or interpreted to have any effect
15 on or application to any contract awarded or entered into prior to the effective date of
16 this Act.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
18 effect October 1, 1998.