

# SENATE BILL 782

P1

8lr3546  
CF HB 141

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By: **Senators Muse, Ferguson, Lee, Madaleno, Manno, Oaks, Peters, Robinson, and Smith**

Introduced and read first time: February 5, 2018

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Finance and Procurement – Public Buildings – Diaper–Changing Facilities**  
3 **in Restrooms**

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

14 BY adding to

15 Article – State Finance and Procurement  
16 Section 2–801 through 2–803 to be under the new subtitle “Subtitle 8.  
17 Diaper–Changing Facilities”  
18 Annotated Code of Maryland  
19 (2015 Replacement Volume and 2017 Supplement)

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

22 **Article – State Finance and Procurement**

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

24 **2–801.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
2 INDICATED.

3 (B) "DIAPER-CHANGING FACILITY" MEANS A TABLE OR OTHER DEVICE  
4 SUITABLE FOR CHANGING THE DIAPER OF A CHILD UNDER THE AGE OF 4 YEARS.

5 (C) (1) "PUBLIC BUILDING" MEANS A BUILDING, STRUCTURE, OR  
6 IMPROVED AREA THAT IS:

7 (I) OWNED BY THE STATE OR A POLITICAL SUBDIVISION OF THE  
8 STATE; OR

9 (II) CONSTRUCTED FOR LEASE BY THE STATE OR A POLITICAL  
10 SUBDIVISION OF THE STATE.

11 (2) "PUBLIC BUILDING" INCLUDES:

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

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

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

18 (D) "RESTROOM" MEANS A PUBLIC SANITARY FACILITY THAT CONTAINS AT  
19 LEAST ONE TOILET, URINAL, OR LAVATORY.

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

22 **2-802.**

23 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A  
24 DIAPER-CHANGING FACILITY SHALL BE INSTALLED IN:

25 (1) EACH RESTROOM IN A PUBLIC BUILDING IF A DIAPER-CHANGING  
26 FACILITY IS INSTALLED IN ANY OTHER RESTROOM IN THE PUBLIC BUILDING;

27 (2) ANY RESTROOM CONSTRUCTED IN A PUBLIC BUILDING ON OR  
28 AFTER OCTOBER 1, 2018; AND

1           **(3) ANY RESTROOM IN A PUBLIC BUILDING THAT UNDERGOES**  
2 **SUBSTANTIAL RENOVATION ON OR AFTER OCTOBER 1, 2018.**

3           **(B) (1) THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION DO**  
4 **NOT APPLY TO A RESTROOM IF:**

5                   **(I) 1. THE RESTROOM IS NOT OPEN TO THE GENERAL**  
6 **PUBLIC; AND**

7                               **2. USE OF THE RESTROOM BY AN EMPLOYEE IS**  
8 **RESTRICTED BASED ON THE POSITION HELD BY THE EMPLOYEE; OR**

9                               **(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**  
10 **RESTROOM IS LOCATED ON THE SAME FLOOR AS ANOTHER RESTROOM WITH A**  
11 **DIAPER-CHANGING FACILITY.**

12                   **(2) A RESTROOM IS EXEMPT FROM THE REQUIREMENTS OF**  
13 **SUBSECTION (A) OF THIS SECTION UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION**  
14 **ONLY IF THE OTHER RESTROOM ON THE SAME FLOOR WITH A DIAPER-CHANGING**  
15 **FACILITY:**

16                               **(I) HAS ITS LOCATION DESCRIBED IN CLEAR AND**  
17 **CONSPICUOUS SIGNAGE THAT IS POSTED IN THE RESTROOM THAT IS EXEMPT UNDER**  
18 **PARAGRAPH (1)(II) OF THIS SUBSECTION; AND**

19                               **(II) IS ACCESSIBLE TO ALL INDIVIDUALS WHO HAVE ACCESS TO**  
20 **THE RESTROOM THAT IS EXEMPT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION.**

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

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

27 **2-803.**

28           **(A) THE DEPARTMENT OF GENERAL SERVICES IS RESPONSIBLE FOR THE**  
29 **ENFORCEMENT OF THIS SUBTITLE IF:**

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

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

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

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

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

6           **(3) NO STATE FUNDS ARE USED, EXCEPT FOR STATE FUNDS FOR**  
7 **SCHOOL CONSTRUCTION.**

8           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2018.