

# SENATE BILL 330

P1, D5

9lr1306  
CF 9lr1769

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

Introduced and read first time: January 30, 2019

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

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,

23 Article – State Government

24 Section 20–301

25 Annotated Code of Maryland

26 (2014 Replacement Volume and 2018 Supplement)

27 BY adding to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – State Government  
2 Section 20–307  
3 Annotated Code of Maryland  
4 (2014 Replacement Volume and 2018 Supplement)

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

7 **Article – State Finance and Procurement**

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

9 **2–801.**

10 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
11 INDICATED.

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

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

16 (I) OWNED BY THE STATE OR A POLITICAL SUBDIVISION OF THE  
17 STATE; OR

18 (II) CONSTRUCTED FOR LEASE BY THE STATE OR A POLITICAL  
19 SUBDIVISION OF THE STATE.

20 (2) “PUBLIC BUILDING” INCLUDES:

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

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

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

27 (D) “PUBLIC RESTROOM” MEANS A SANITARY FACILITY AVAILABLE TO THE  
28 GENERAL PUBLIC THAT CONTAINS AT LEAST ONE TOILET OR URINAL.

29 (E) “SUBSTANTIAL RENOVATION” MEANS A CONSTRUCTION OR

1 RENOVATION PROJECT WITH AN ESTIMATED COST OF \$10,000 OR MORE.

2 2-802.

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

7 (1) THE PUBLIC BUILDING IS CONSTRUCTED ON OR AFTER OCTOBER  
8 1, 2019;

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

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

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

17 (2) THE STANDARDS SHALL BE FILED WITH THE SECRETARY OF  
18 STATE.

19 (C) A DIAPER-CHANGING FACILITY IS NOT REQUIRED TO BE INSTALLED  
20 UNDER THIS SECTION IF A BUILDING INSPECTOR OF THE LOCAL JURISDICTION IN  
21 WHICH A PUBLIC BUILDING IS LOCATED DETERMINES THAT THE INSTALLATION OF  
22 A DIAPER-CHANGING FACILITY:

23 (1) IS NOT FEASIBLE; OR

24 (2) WOULD RESULT IN A FAILURE TO COMPLY WITH APPLICABLE  
25 BUILDING STANDARDS GOVERNING THE RIGHT OF ACCESS FOR INDIVIDUALS WITH  
26 DISABILITIES.

27 2-803.

28 (A) THE DEPARTMENT OF GENERAL SERVICES, THE UNIVERSITY SYSTEM  
29 OF MARYLAND, AND THE DEPARTMENT OF TRANSPORTATION ARE RESPONSIBLE  
30 FOR THE ENFORCEMENT OF THIS SUBTITLE IN THE PUBLIC BUILDINGS UNDER EACH  
31 ENTITY'S CONTROL IF:



1 (ii) that holds itself out as serving patrons of the covered  
2 establishment.

3 **20-307.**

4 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
5 INDICATED.

6 (2) "DIAPER-CHANGING FACILITY" MEANS A TABLE OR OTHER  
7 DEVICE SUITABLE FOR CHANGING THE DIAPER OF A CHILD UNDER THE AGE OF 4  
8 YEARS.

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

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

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

18 (1) THE PLACE OF PUBLIC ACCOMMODATION IS CONSTRUCTED ON OR  
19 AFTER OCTOBER 1, 2019;

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

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

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

29 (1) IS NOT FEASIBLE; OR

30 (2) WOULD RESULT IN A FAILURE TO COMPLY WITH APPLICABLE  
31 BUILDING STANDARDS GOVERNING THE RIGHT OF ACCESS FOR INDIVIDUALS WITH

1 **DISABILITIES.**

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