

Chapter 523

(Senate Bill 330)

AN ACT concerning

Public Buildings ~~and Places of Public Accommodation~~ – Diaper-Changing Facilities

FOR the purpose of requiring, except under certain circumstances, that a diaper-changing facility be installed in certain public restrooms in certain public buildings ~~and certain public restrooms in places of public accommodation~~; requiring the Board of Public Works, through the Department of General Services, to adopt certain standards; requiring a certain standard to be filed with the Secretary of State; providing that the Department of General Services, the University System of Maryland, and the Department of Transportation are responsible for the enforcement of certain provisions of this Act under certain circumstances; providing that the governing body of a political subdivision is responsible for enforcement of certain provisions of this Act under certain circumstances; ~~providing that the design of certain public building restrooms is governed by this Act~~; defining certain terms; and generally relating to diaper-changing facilities in public buildings ~~and places of public accommodation~~.

BY adding to

Article – State Finance and Procurement
Section 2-801 through 2-803 to be under the new subtitle “Subtitle 8.
Diaper-Changing Facilities”
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

~~BY repealing and reenacting, without amendments,~~

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

~~BY adding to~~

~~Article – State Government
Section 20-307
Annotated Code of Maryland
(2014 Replacement Volume and 2018 Supplement)~~

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

Article – State Finance and Procurement

SUBTITLE 8. DIAPER-CHANGING FACILITIES.

2-801.

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

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

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

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

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

(2) “PUBLIC BUILDING” INCLUDES:

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

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

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

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

(E) “SUBSTANTIAL RENOVATION” MEANS A CONSTRUCTION OR RENOVATION PROJECT WITH AN ESTIMATED COST OF ~~\$10,000~~ \$30,000 OR MORE.

2-802.

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

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

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

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

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

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

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

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

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

2-803.

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

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

(2) CONSTRUCTION IS ON STATE-OWNED LAND.

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

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

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

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

~~Article State Government~~

~~20-301.~~

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

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

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

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

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

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

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

~~(5) an establishment:~~

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

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

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

~~20-307.~~

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 13, 2019.