

# SENATE BILL 579

J3

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By: **Senator Kagan**

Introduced and read first time: January 29, 2021

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Facilities – Restrooms – Requirements**

3 FOR the purpose of requiring each health care facility, on or after a certain date, to provide  
4 in each restroom maintained by the health care facility a hands-free disposable  
5 towel dispenser and a device that allows an individual to open a door without  
6 touching the door handle; requiring each health care facility to report to the  
7 Maryland Department of Health certain information regarding certain restrooms on  
8 or before a certain date; requiring the Department to maintain a certain record and,  
9 except under certain circumstances, consider the record in making a certain  
10 determination; defining certain terms; and generally relating to restrooms in health  
11 care facilities.

12 BY adding to  
13 Article – Health – General  
14 Section 24–213  
15 Annotated Code of Maryland  
16 (2019 Replacement Volume and 2020 Supplement)

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

19 **Article – Health – General**

20 **24–213.**

21 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
22 **INDICATED.**

23 **(2) “HEALTH CARE FACILITY” MEANS A FACILITY OR AN OFFICE**  
24 **WHERE HEALTH OR MEDICAL CARE IS PROVIDED TO PATIENTS BY A HEALTH CARE**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 PRACTITIONER OR GROUP OF HEALTH CARE PRACTITIONERS LICENSED, CERTIFIED,  
2 OR OTHERWISE AUTHORIZED BY LAW TO PROVIDE HEALTH CARE SERVICES,  
3 INCLUDING:

4 (I) A HOSPITAL AS DEFINED IN § 19–301 OF THIS ARTICLE;

5 (II) AN AMBULATORY SURGICAL FACILITY AS DEFINED IN §  
6 19–3B–01 OF THIS ARTICLE;

7 (III) A NURSING FACILITY;

8 (IV) A RESIDENTIAL TREATMENT CENTER;

9 (V) AN URGENT CARE CENTER;

10 (VI) A DIAGNOSTIC, LABORATORY, OR IMAGING CENTER;

11 (VII) A REHABILITATION FACILITY;

12 (VIII) A FACILITY OPERATED BY THE DEPARTMENT OR A HEALTH  
13 OFFICER; AND

14 (IX) THE OFFICE OF A HEALTH CARE PRACTITIONER OR GROUP  
15 OF HEALTH CARE PRACTITIONERS LICENSED, CERTIFIED, OR OTHERWISE  
16 AUTHORIZED BY LAW TO PROVIDE HEALTH CARE SERVICES.

17 (3) (I) “RESTROOM” INCLUDES A PUBLIC RESTROOM AND AN  
18 EMPLOYEE RESTROOM.

19 (II) “RESTROOM” DOES NOT INCLUDE A RESTROOM IN A  
20 PRIVATE PATIENT ROOM IN A HEALTH CARE FACILITY.

21 (B) ON OR AFTER JANUARY 1, 2023, EACH HEALTH CARE FACILITY SHALL  
22 PROVIDE IN EACH RESTROOM MAINTAINED BY THE HEALTH CARE FACILITY:

23 (1) A HANDS–FREE DISPOSABLE TOWEL DISPENSER; AND

24 (2) A DEVICE THAT ALLOWS AN INDIVIDUAL TO OPEN THE DOOR TO  
25 EXIT THE RESTROOM WITHOUT TOUCHING THE DOOR HANDLE.

26 (C) (1) ON OR BEFORE JANUARY 1, 2023, EACH HEALTH CARE FACILITY  
27 SHALL REPORT TO THE DEPARTMENT ON THE TOTAL NUMBER OF RESTROOMS  
28 THAT:

1                   **(I) THE HEALTH CARE FACILITY MAINTAINS;**

2                   **(II) MEET THE REQUIREMENTS OF SUBSECTION (B) OF THIS**  
3 **SECTION;**

4                   **(III) ARE IN THE PROCESS OF BEING MODIFIED IN ORDER TO**  
5 **COMPLY WITH THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION;**

6                   **(IV) ARE SCHEDULED TO BE MODIFIED IN ACCORDANCE WITH**  
7 **AN APPROVED CERTIFICATE OF NEED; AND**

8                   **(V) THE HEALTH CARE FACILITY MAINTAINS BUT ARE NOT**  
9 **INCLUDED UNDER ITEMS (II), (III), OR (IV) OF THIS SUBSECTION.**

10                   **(2) FOR EACH RESTROOM INCLUDED IN THE REPORT UNDER**  
11 **PARAGRAPH (1)(V) OF THIS SUBSECTION, THE HEALTH CARE FACILITY SHALL**  
12 **PROVIDE AN EXPLANATION FOR WHY THE RESTROOM WAS NOT INCLUDED IN THE**  
13 **REPORT UNDER PARAGRAPH (1)(II), (III), OR (IV) OF THIS SUBSECTION.**

14                   **(3) THE DEPARTMENT SHALL:**

15                   **(I) MAINTAIN A RECORD OF EACH HEALTH CARE FACILITY**  
16 **THAT REPORTS THAT IT MAINTAINS A RESTROOM INCLUDED IN THE REPORT UNDER**  
17 **PARAGRAPH (1)(V) OF THIS SECTION; AND**

18                   **(II) UNLESS THE DEPARTMENT RECEIVES NOTICE THAT THE**  
19 **RESTROOM HAS BEEN MODIFIED TO MEET THE REQUIREMENTS OF SUBSECTION (B)**  
20 **OF THIS SECTION, CONSIDER A HEALTH CARE FACILITY'S RECORD MAINTAINED**  
21 **UNDER ITEM (I) OF THIS PARAGRAPH IN MAKING ANY DETERMINATION REGARDING**  
22 **FUNDING RELATED TO A CERTIFICATE OF NEED FOR THE HEALTH CARE FACILITY.**

23                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2021.