

SENATE BILL 486

D5, L1, L3
SB 401/20 – JPR & EHE

2lr0579
CF 2lr1293

By: **Senators Kagan, Waldstreicher, and Washington**

Introduced and read first time: January 27, 2022

Assigned to: Judicial Proceedings and Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Places of Public Accommodation and Public Buildings – Gender-Inclusive**
3 **Signage**

4 FOR the purpose of requiring that single-occupancy public restrooms be marked with
5 gender-inclusive signage in certain places of public accommodation and certain
6 public buildings; providing that a county is responsible for enforcing the signage
7 requirement in places of public accommodation; authorizing a county to set certain
8 fines for second and subsequent violations; and generally relating to
9 single-occupancy public restrooms in places of public accommodation and public
10 buildings.

11 BY repealing and reenacting, with amendments,
12 Article – State Finance and Procurement
13 Section 2–801 and 2–803 to be under the amended subtitle “Subtitle 8. Public
14 Restrooms”
15 Annotated Code of Maryland
16 (2021 Replacement Volume)

17 BY adding to
18 Article – State Finance and Procurement
19 Section 2–803
20 Annotated Code of Maryland
21 (2021 Replacement Volume)

22 BY repealing and reenacting, without amendments,
23 Article – State Government
24 Section 20–301
25 Annotated Code of Maryland
26 (2021 Replacement Volume)

27 BY adding to

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 (2021 Replacement Volume)

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. [Changing Facilities] **PUBLIC RESTROOMS.**

9 2–801.

10 (a) In this subtitle the following words have the meanings indicated.

11 (b) “Changing facility” means a table or other device suitable for changing the
12 diaper of a child under the age of 4 years and providing personal care for an adult.

13 (c) (1) “Public building” means a building, a structure, or an improved area
14 that is:

15 (i) owned by the State or a political subdivision of the State; or

16 (ii) constructed for lease by the State or a political subdivision of
17 the State.

18 (2) “Public building” includes:

19 (i) a public mass transportation accommodation, such as a
20 terminal or station, that is supported by public funds; and

21 (ii) an improvement of a public area used for gathering or
22 amusement, including a public park or recreation center.

23 (3) “Public building” does not include a facility that is primarily used to
24 provide primary or secondary education.

25 (d) “Public restroom” means a sanitary facility available to the general public
26 that contains at least one toilet or urinal.

27 **(E) “SINGLE-OCCUPANCY PUBLIC RESTROOM” MEANS A PUBLIC**
28 **RESTROOM THAT:**

29 **(1) IS FULLY ENCLOSED;**

1 **(2) MAY BE LOCKED BY THE USER; AND**

2 **(3) CONTAINS ONLY ONE TOILET.**

3 **[(e)] (F)** “Substantial renovation” means a construction or renovation project
4 with an estimated cost of \$30,000 or more.

5 **2–803.**

6 **ANY SINGLE–OCCUPANCY PUBLIC RESTROOM IN A PUBLIC BUILDING SHALL**
7 **BE MARKED WITH GENDER–INCLUSIVE SIGNAGE THAT:**

8 **(1) (I) DOES NOT INDICATE A SPECIFIC GENDER;**

9 **(II) CONTAINS DESCRIPTIVE LANGUAGE, SUCH AS THE WORDS**
10 **“RESTROOM”, “BATHROOM”, OR “TOILET”; AND**

11 **(III) CONTAINS A PICTURE OR AN ICON THAT DOES NOT**
12 **SUGGEST THAT THE RESTROOM IS AVAILABLE FOR USE ONLY BY A SPECIFIC**
13 **GENDER, SUCH AS A PICTURE OR AN ICON OF A TOILET; OR**

14 **(2) CONTAINS ONLY A PICTURE OR AN ICON THAT DOES NOT**
15 **SUGGEST THAT THE RESTROOM IS AVAILABLE FOR USE ONLY BY A SPECIFIC**
16 **GENDER, SUCH AS A PICTURE OR AN ICON OF A TOILET.**

17 **[2–803.] 2–804.**

18 (a) The Department of General Services, the University System of Maryland,
19 and the Department of Transportation are responsible for the enforcement of this subtitle
20 in the public buildings under each entity’s control if:

21 (1) any State capital nonschool funds are used; or

22 (2) construction is on State–owned land.

23 (b) The governing body of a political subdivision is responsible for the
24 enforcement of this subtitle if:

25 (1) construction is not on State–owned land;

26 (2) funds of the political subdivision are used; and

27 (3) no State funds are used, except for State funds for school construction.

28 (c) (1) An entity responsible for the enforcement of this subtitle shall report

1 the location of a changing facility to 2-1-1 Maryland, Inc., when the changing facility is
2 installed.

3 (2) 2-1-1 Maryland, Inc., shall maintain on its website a list containing
4 all the locations of the changing facilities reported under paragraph (1) of this subsection.

5 Article – State Government

6 20-301.

7 In this subtitle, “place of public accommodation” means:

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

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

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

16 (4) a retail establishment that:

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

18 (ii) offers goods, services, entertainment, recreation, or
19 transportation; or

20 (5) an establishment:

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

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

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

27 **20-307.**

28 (A) IN THIS SECTION, “SINGLE-OCCUPANCY PUBLIC RESTROOM” MEANS A
29 SANITARY FACILITY AVAILABLE TO THE GENERAL PUBLIC THAT:

1 **(1) IS FULLY ENCLOSED;**

2 **(2) MAY BE LOCKED BY THE USER; AND**

3 **(3) CONTAINS ONLY ONE TOILET.**

4 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
5 **ANY SINGLE-OCCUPANCY PUBLIC RESTROOM IN A PLACE OF PUBLIC**
6 **ACCOMMODATION SHALL BE MARKED WITH GENDER-INCLUSIVE SIGNAGE THAT:**

7 **(I) 1. DOES NOT INDICATE A SPECIFIC GENDER;**

8 **2. CONTAINS DESCRIPTIVE LANGUAGE, SUCH AS THE**
9 **WORDS “RESTROOM”, “BATHROOM”, OR “TOILET”; AND**

10 **3. CONTAINS A PICTURE OR AN ICON THAT DOES NOT**
11 **SUGGEST THAT THE RESTROOM IS AVAILABLE FOR USE ONLY BY A SPECIFIC**
12 **GENDER, SUCH AS A PICTURE OR AN ICON OF A TOILET; OR**

13 **(II) CONTAINS ONLY A PICTURE OR AN ICON THAT DOES NOT**
14 **SUGGEST THAT THE RESTROOM IS AVAILABLE FOR USE ONLY BY A SPECIFIC**
15 **GENDER, SUCH AS A PICTURE OR AN ICON OF A TOILET.**

16 **(2) A PLACE OF PUBLIC ACCOMMODATION THAT, BEFORE OCTOBER**
17 **1, 2022, MARKED A SINGLE-OCCUPANCY PUBLIC RESTROOM WITH SIGNAGE THAT**
18 **IDENTIFIES THE RESTROOM AS GENDER-INCLUSIVE BUT DOES NOT OTHERWISE**
19 **COMPLY WITH THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION MAY**
20 **CONTINUE TO USE THAT SIGNAGE FOR THE PUBLIC RESTROOM.**

21 **(C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, A COUNTY**
22 **SHALL BE RESPONSIBLE FOR ENFORCING SUBSECTION (B) OF THIS SECTION FOR**
23 **EACH PLACE OF PUBLIC ACCOMMODATION WITHIN ITS JURISDICTION.**

24 **(D) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION,**
25 **EACH COUNTY MAY SET A CIVIL FINE OR SERIES OF CIVIL FINES TO BE ISSUED TO A**
26 **PLACE OF PUBLIC ACCOMMODATION THAT VIOLATES SUBSECTION (B) OF THIS**
27 **SECTION.**

28 **(2) IN SETTING FINES UNDER THIS SUBSECTION, A COUNTY MAY NOT**
29 **SET A FINE THAT EXCEEDS:**

30 **(I) FOR A FIRST VIOLATION, A WARNING;**

1 **(II) FOR A SECOND VIOLATION, A FINE OF \$100; AND**

2 **(III) FOR A SUBSEQUENT VIOLATION, A FINE OF \$250.**

3 **(3) A COUNTY MAY NOT IMPOSE A FINE UNDER THIS SUBSECTION ON**
4 **A PLACE OF PUBLIC ACCOMMODATION UNTIL AT LEAST 30 DAYS AFTER THE**
5 **ISSUANCE OF A WARNING TO THE PLACE OF PUBLIC ACCOMMODATION.**

6 **(4) REVENUE COLLECTED UNDER THIS SUBSECTION MAY BE USED**
7 **ONLY FOR THE ENFORCEMENT OF THIS SECTION AND ANY ASSOCIATED**
8 **ADMINISTRATIVE COSTS.**

9 **(5) A CRIMINAL PENALTY MAY NOT BE IMPOSED ON A PLACE OF**
10 **PUBLIC ACCOMMODATION FOR A VIOLATION OF SUBSECTION (B) OF THIS SECTION.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That a county may not enforce
12 the provisions governing single-occupancy restrooms in places of public accommodation,
13 established under Section 1 of this Act, until 30 days after the enactment of this Act.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2022.