

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 486 (Senator Kagan, *et al.*)

Judicial Proceedings and Education, Health,
and Environmental Affairs

Places of Public Accommodation and Public Buildings - Gender-Inclusive
Signage

This bill requires single-occupancy public restrooms in public buildings and places of public accommodation to be marked with gender-inclusive signage that meets specified criteria. Counties are responsible for enforcing the bill with respect to places of public accommodation, and they are authorized to set civil fines, but not criminal penalties, for violations of the bill's requirements. However, a county may not impose a fine on a place of public accommodation until at least 30 days after it issues a warning.

Fiscal Summary

State Effect: One-time costs to replace signage for single-occupancy public restrooms in State buildings cannot be reliably quantified; nevertheless, State (likely general fund and special fund) expenditures increase minimally in FY 2023 to the extent those costs cannot be absorbed due to the volume of restrooms in need of such signage. No effect on revenues.

Local Effect: Minimal one-time costs for local governments to comply with the bill's requirements in municipal and county-owned or -operated buildings in FY 2023. Counties can enforce the bill's provisions in places of public accommodation with existing resources; moreover, any costs incurred for their compliance may be offset with revenues from fines authorized by the bill.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: A “single-occupancy public restroom” is a sanitary facility available to the general public that is fully enclosed, can be locked by the user, and contains only one toilet.

Gender-neutral signage for a single-occupancy public restroom must (1) not indicate a specific gender; (2) contain descriptive language, such as the words “restroom,” “bathroom,” or toilet; and (3) contain a picture or icon (such as a toilet) that does not suggest that the bathroom is available for use only by a specific gender. Alternatively, the restroom may contain *only* a picture or an icon that does not suggest that the bathroom is available for use only by a specific gender.

A place of public accommodation that, before October 1, 2022, marked a single-occupancy public restroom with signage that identifies the restroom as gender-inclusive but does not comply with the bill’s other requirements may continue to use that signage.

Civil penalties set by county governments may not exceed a warning for a first violation, \$100 for a second violation, and \$250 for each subsequent violation. Revenue collected from the fines may be used only for enforcement of the bill and any associated administrative costs. Counties may not enforce the bill in places of public accommodation until 30 days after its enactment.

Current Law: There are no provisions in State law addressing the signage for single-occupancy public restrooms.

A “public building” is a building, structure, or improved area that is (1) owned by the State or a political subdivision of the State or (2) constructed for lease by the State or political subdivision of the State. It does not include a school.

“Place of public accommodation” means:

- an inn, hotel, motel, or other establishment that provides lodging to transient guests;
- a restaurant, cafeteria, or other facility principally engaged in selling food or alcoholic beverages for consumption on or off the premises;
- a motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment;
- a retail establishment that is operated by a public or private entity and offers goods, services, entertainment, recreation, or transportation; or
- a specified establishment that is within or contains within it a facility described above.

Additional Information

Prior Introductions: SB 401 of 2020, a similar bill, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file, HB 1147, was withdrawn after a hearing in the House Economic Matters Committee.

Designated Cross File: HB 572 (Delegate Solomon) - Economic Matters and Health and Government Operations.

Information Source(s): Maryland Commission on Civil Rights; Baltimore, Charles, Frederick, Montgomery, and Somerset counties; Maryland Association of County Health Officers; Maryland Association of Counties; Maryland Municipal League; Judiciary (Administrative Office of the Courts); University System of Maryland; Department of General Services; Maryland Department of Health; Department of Natural Resources; Maryland Department of Transportation; Department of Legislative Services

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Analysis by: Michael C. Rubenstein

Direct Inquiries to:
(410) 946-5510
(301) 970-5510