

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 84 (Senator Kagan)

Judicial Proceedings and Education, Energy,
and the Environment

**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: Any one-time costs to replace existing signage for single-occupancy public restrooms in State buildings are expected to be minimal and can be absorbed within existing budgeted resources. 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 2024. Counties can enforce the bill's provisions in places of public accommodation with existing resources; even so, any costs incurred for enforcement may be offset with fine revenues.

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, 2023, 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: Similar legislation has been introduced within the last three years. See SB 486 and HB 572 of 2022 and SB 401 and HB 1147 of 2020.

Designated Cross File: HB 40 (Delegate Solomon) - Economic Matters and Health and Government Operations.

Information Source(s): Baltimore City; Caroline and Prince George's counties; Maryland Municipal League; Maryland Association of Counties; Maryland Association of County Health Officers; Judiciary (Administrative Office of the Courts); University System of Maryland; Department of General Services; Department of Natural Resources; Maryland Commission on Civil Rights; Maryland Department of Transportation; Department of Legislative Services

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km/ljm

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