

HOUSE BILL 10

P1

(PRE-FILED)

0lr0508
CF SB 44

By: ~~Delegate Ebersole~~ Delegates Ebersole, Bagnall, Barron, Bhandari, Carr, Charles, Chisholm, Cullison, Hill, Johnson, Kelly, Kerr, Kipke, Krebs, R. Lewis, Morgan, Pena-Melnyk, Pendergrass, Reilly, Rosenberg, Saab, Sample-Hughes, Szeliga, and K. Young

Requested: July 20, 2019

Introduced and read first time: January 8, 2020

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 11, 2020

CHAPTER _____

1 AN ACT concerning

2 **Public Buildings – Changing Facilities ~~for Adult Diapers~~ – Personal Care for**
3 **Adults**

4 FOR the purpose of requiring, except under certain circumstances, that ~~a diaper-changing~~
5 ~~facility~~ changing facilities suitable for changing the diaper of a child and providing
6 personal care for an adult be installed in certain public restrooms in certain public
7 buildings on or before a certain date; requiring certain entities responsible for the
8 enforcement of this Act to report to ~~the Department of General Services~~ 2-1-1
9 Maryland, Inc., the location of ~~a diaper-changing facility suitable for changing the~~
10 ~~diaper of an adult~~ changing facilities when the ~~diaper-changing facility is~~ changing
11 facilities are installed; requiring ~~the Department~~ 2-1-1 Maryland, Inc., to maintain
12 on its website a list containing all the locations of certain ~~diaper-changing~~ changing
13 facilities; altering a certain definition; and generally relating to ~~diaper-changing~~
14 changing facilities in public buildings.

15 BY repealing and reenacting, with amendments,
16 Article – State Finance and Procurement
17 Section 2-801 through 2-803
18 Annotated Code of Maryland
19 (2015 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

Article – State Finance and Procurement

2–801.

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

(b) ~~“Diaper-changing facility”~~ **“CHANGING FACILITIES”** means a table **OR COMBINATION OF TABLES** or other device suitable for changing ~~the~~ **A** diaper ~~of a child under the age of 4 years~~ **AND PROVIDING PERSONAL CARE FOR AN ADULT.**

(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 \$30,000 or more.

2–802.

(a) Except as provided in subsection ~~(c)~~ ~~(b)~~ of this section, in a public building, a diaper-changing ~~facility~~ **TABLE OR OTHER DEVICE SUITABLE FOR CHANGING THE DIAPER OF A CHILD OR AN ADULT UNDER THE AGE OF 4 YEARS** 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 (1) the public building is constructed on or after October 1, ~~2019~~ **2020**;

2 (2) a public restroom is constructed in a public building on or after October
3 1, ~~2019~~ **2020**; or

4 (3) a public restroom in a public building undergoes substantial renovation
5 on or after October 1, ~~2019~~ **2020**.

6 [(b) (1) The Board of Public Works, through the Department of General
7 Services, shall adopt standards that a diaper-changing facility must meet in order to
8 comply with the requirements of subsection (a) of this section.

9 (2) The standards shall be filed with the Secretary of State.]

10 **(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IN A**
11 **PUBLIC BUILDING, CHANGING FACILITIES SHALL BE INSTALLED IN AT LEAST ONE**
12 **PUBLIC RESTROOM OR, IF THE RESTROOMS ARE DIVIDED BY GENDER, IN AT LEAST**
13 **ONE MEN'S PUBLIC RESTROOM AND ONE WOMEN'S PUBLIC RESTROOM IF:**

14 **(1) THE PUBLIC BUILDING IS CONSTRUCTED ON OR AFTER OCTOBER**
15 **1, 2021;**

16 **(2) THE PUBLIC RESTROOM IS CONSTRUCTED IN A PUBLIC BUILDING**
17 **ON OR AFTER OCTOBER 1, 2021; OR**

18 **(3) A PUBLIC RESTROOM IN A PUBLIC BUILDING UNDERGOES**
19 **SUBSTANTIAL RENOVATION ON OR AFTER OCTOBER 1, 2021.**

20 ~~[(c) (b) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~
21 ~~SUBSECTION, A DIAPER-CHANGING FACILITY SUITABLE FOR CHANGING THE DIAPER~~
22 ~~OF A CHILD UNDER THE AGE OF 4 YEARS SHALL BE INSTALLED IF A BUILDING~~
23 ~~INSPECTOR THAT HAS JURISDICTION OVER THE PUBLIC BUILDING DETERMINES~~
24 ~~THAT THE INSTALLATION OF A DIAPER-CHANGING FACILITY SUITABLE FOR~~
25 ~~CHANGING THE DIAPER OF AN ADULT:~~

26 ~~(i) IS NOT PRACTICABLE; OR~~

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

30 ~~(2) (C)~~ A diaper-changing facility is **TABLE OR OTHER DEVICE OR**
31 **CHANGING FACILITIES ARE** not required to be installed under this section if a building
32 inspector that has jurisdiction over the public building determines that the installation of
33 ~~a diaper-changing facility:~~

1 ~~{(1)}~~ ~~(I)~~ is not practicable; or

2 ~~{(2)}~~ ~~(II)~~ would result in a failure to comply with applicable building
3 standards governing the right of access for individuals with disabilities.

4 ~~(C)~~ **(D)** **(1) THE BOARD OF PUBLIC WORKS, THROUGH THE**
5 **DEPARTMENT OF GENERAL SERVICES, SHALL ADOPT STANDARDS THAT A**
6 **DIAPER-CHANGING ~~FACILITY~~ TABLE OR OTHER DEVICE AND CHANGING FACILITIES**
7 **MUST MEET IN ORDER TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION.**

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

10 2-803.

11 (a) The Department of General Services, the University System of Maryland, and
12 the Department of Transportation are responsible for the enforcement of this subtitle in
13 the public buildings under each entity's control if:

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

15 (2) construction is on State-owned land.

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

18 (1) construction is not on State-owned land;

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

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

21 **(C) (1) AN ENTITY RESPONSIBLE FOR THE ENFORCEMENT OF THIS**
22 **SUBTITLE SHALL REPORT THE LOCATION OF ~~A DIAPER-CHANGING FACILITY~~**
23 **~~SUITABLE FOR CHANGING THE DIAPER OF AN ADULT~~ CHANGING FACILITIES TO THE**
24 **~~DEPARTMENT OF GENERAL SERVICES~~ 2-1-1 MARYLAND, INC., WHEN THE**
25 **~~DIAPER-CHANGING FACILITY IS~~ CHANGING FACILITIES ARE INSTALLED.**

26 **(2) ~~THE DEPARTMENT OF GENERAL SERVICES~~ 2-1-1 MARYLAND,**
27 **INC., SHALL MAINTAIN ON ITS WEBSITE A LIST CONTAINING ALL THE LOCATIONS OF**
28 **THE ~~DIAPER-CHANGING~~ CHANGING FACILITIES REPORTED UNDER PARAGRAPH (1)**
29 **OF THIS SUBSECTION.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2020.