

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 782 (Senator Muse, *et al.*)
Education, Health, and Environmental Affairs

**State Finance and Procurement - Public Buildings - Diaper-Changing Facilities
in Restrooms**

This bill requires that a diaper-changing facility be installed in each restroom in a public building, subject to exceptions, if (1) a diaper-changing facility is already installed in any other restroom in the building or (2) the restroom is built or substantially renovated in a public building on or after October 1, 2018. The Board of Public Works (BPW) must develop standards to implement the bill, the Department of General Services (DGS) must enforce the bill's provisions for specified State projects, and local governments must enforce the bill for specified local projects.

Fiscal Summary

State Effect: State expenditures (all funds) increase by approximately \$400 for each diaper-changing facility that needs to be installed based on the bill; a reliable estimate of the total number of such facilities is not available, but is likely substantial. BPW can handle the bill's requirements with existing budgeted resources. No effect on revenues.

Local Effect: Local expenditures increase by approximately \$400 for each diaper-changing facility that needs to be installed based on the bill. A reliable estimate of the number of such facilities is not feasible, but is likely substantial. No effect on revenues.
This bill may impose a mandate on a unit of local government.

Small Business Effect: None.

Analysis

Bill Summary: A “diaper-changing facility” is defined as a table or other device suitable for changing the diaper of a child younger than age four. “Substantial renovation” means a construction or renovation project with an estimated cost of at least \$10,000.

A “public building” is any building, structure, or improved area that is owned by the State or a local government or constructed for lease by the State or local government. It includes (1) a public mass transit accommodation such as a terminal or station that is supported by public funds and (2) an improvement of a public area used for gathering or amusement, including a public park or recreation center. It does not include schools.

The bill’s requirement does not apply if the restroom is not open to the general public and use of the restroom by employees is restricted based on their position. It also does not apply to specified restrooms that are on the same floor as another restroom with a diaper-changing facility.

Current Law: There are no requirements to install diaper-changing facilities in public buildings in current law.

State Fiscal Effect: DGS advises that the cost of installing a diaper-changing facility in a restroom is approximately \$400 per facility. However, it is unable to provide a reliable estimate of the number of restrooms that would require a facility to be installed based on the bill’s criteria. The Department of Natural Resources (DNR) advises that it has been proactive in installing diaper-changing facilities in public bathhouses and restrooms over the past 10 years, including women’s and men’s facilities that were renovated. However, DNR also cannot provide a reliable estimate of the number of facilities that need to be installed.

Additional Comments: DGS notes that the bill requires it to enforce the bill’s requirement for facilities owned and/or operated by the Maryland Department of Transportation and the University System of Maryland. However, DGS has no authority or capacity to enforce the bill in facilities it does not own or operate. DGS also advises that the bill, as drafted, does not apply to most facilities it leases because lease payments are generally not paid with capital funds.

Additional Information

Prior Introductions: None.

Cross File: HB 141 (Delegate Knotts) - Health and Government Operations.

Information Source(s): Board of Public Works; Department of General Services; Department of Budget and Management; Department of Natural Resources; Maryland Association of Counties; Maryland Municipal League; Kent and Montgomery counties; Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2018
mm/ljm

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