

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 401 (Senator Kagan, *et al.*)

Judicial Proceedings and Education, Health,
and Environmental Affairs

Places of Public Accommodation and Public Buildings - Single-Occupancy Public
Restrooms - Availability (The Accessible to All Act)

This bill requires single-occupancy public restrooms in public buildings and places of public accommodation to be marked with gender-inclusive signage that does not use pictorial representations and contains only descriptive language, such as “restroom” or “bathroom.” Local governments are responsible for enforcing the bill with respect to places of public accommodation, and they are authorized to set civil fines for violations of the bill’s requirements.

Fiscal Summary

State Effect: Any costs associated with replacing signage for single-occupancy public restrooms in State buildings are minimal and can be absorbed with existing budgeted resources. No effect on revenues.

Local Effect: Local governments can comply with the bill’s requirements in locally owned buildings, and enforce the bill’s provisions in places of public accommodation, with existing resources; any costs incurred for compliance and enforcement are minimal and 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.

A place of public accommodation that, before October 1, 2020, 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 local governments may not exceed a warning for a first violation, \$100 for a first 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. Local governments may not enforce the bill in places of public accommodation until 60 days after its enactment.

Current Law: There are no provisions in State law addressing the signage of 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.

A “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: None.

Designated Cross File: HB 1147 (Delegate Solomon, *et al.*) - Economic Matters and Health and Government Operations.

Information Source(s): Baltimore City; Harford, Montgomery, and Talbot counties; Maryland Association of Counties; Maryland Municipal League; Judiciary (Administrative Office of the Courts); Maryland State Department of Education; University System of Maryland; Department of Commerce; Department of General Services; Maryland Department of Health; Department of Natural Resources; Department of Public Safety and Correctional Services; Maryland Department of Transportation; Department of Legislative Services

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