

HOUSE BILL 321

P1
HB 10/20 – HGO

(PRE-FILED)

1lr0447
CF SB 61

By: **Delegate Ebersole**

Requested: July 17, 2020

Introduced and read first time: January 13, 2021

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: February 8, 2021

CHAPTER _____

1 AN ACT concerning

2 **Public Buildings – Changing Facilities – Requirements**

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

11 BY repealing and reenacting, with amendments,
12 Article – State Finance and Procurement
13 Section 2–801 through 2–803 to be under the amended subtitle “Subtitle 8. Changing
14 Facilities”
15 Annotated Code of Maryland
16 (2015 Replacement Volume and 2020 Supplement)

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

19 **Article – State Finance and Procurement**

20 Subtitle 8. **[Diaper–Changing] CHANGING** Facilities.

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.



1 2-801.

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

3 (b) **["Diaper-changing] "CHANGING facility"** means a table or other device
4 suitable for changing the diaper of a child under the age of 4 years **AND PROVIDING**
5 **PERSONAL CARE FOR AN ADULT.**

6 (c) (1) "Public building" means a building, a structure, or an improved area
7 that is:

8 (i) owned by the State or a political subdivision of the State; or

9 (ii) constructed for lease by the State or a political subdivision of the
10 State.

11 (2) "Public building" includes:

12 (i) a public mass transportation accommodation, such as a terminal
13 or station, that is supported by public funds; and

14 (ii) an improvement of a public area used for gathering or
15 amusement, including a public park or recreation center.

16 (3) "Public building" does not include a facility that is primarily used to
17 provide primary or secondary education.

18 (d) "Public restroom" means a sanitary facility available to the general public that
19 contains at least one toilet or urinal.

20 (e) "Substantial renovation" means a construction or renovation project with an
21 estimated cost of \$30,000 or more.

22 2-802.

23 (a) Except as provided in subsection (c) of this section, in a public building, a
24 **[diaper-changing] CHANGING facility SUITABLE FOR CHANGING THE DIAPER OF A**
25 **CHILD UNDER THE AGE OF 4 YEARS** shall be installed in at least one public restroom or,
26 if the restrooms are divided by gender, in at least one men's public restroom and one
27 women's public restroom if:

28 (1) the public building is constructed on or after October 1, 2019;

29 (2) a public restroom is constructed in a public building on or after October
30 1, 2019; or

1 (3) a public restroom in a public building undergoes substantial renovation
2 on or after October 1, 2019.

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

6 (2) The standards shall be filed with the Secretary of State] **EXCEPT AS
7 PROVIDED IN SUBSECTION (C) OF THIS SECTION, IN A PUBLIC BUILDING, A
8 CHANGING FACILITY SHALL BE INSTALLED IN AT LEAST ONE PUBLIC RESTROOM OR,
9 IF THE RESTROOMS ARE DIVIDED BY GENDER, IN AT LEAST ONE MEN’S PUBLIC
10 RESTROOM AND ONE WOMEN’S PUBLIC RESTROOM IF:**

11 **(1) THE PUBLIC BUILDING IS CONSTRUCTED ON OR AFTER OCTOBER
12 1, 2022;**

13 **(2) THE PUBLIC RESTROOM IS CONSTRUCTED IN A PUBLIC BUILDING
14 ON OR AFTER OCTOBER 1, 2022; OR**

15 **(3) A PUBLIC RESTROOM IN A PUBLIC BUILDING UNDERGOES
16 SUBSTANTIAL RENOVATION ON OR AFTER OCTOBER 1, 2022.**

17 (c) A [diaper-changing] **CHANGING** facility is not required to be installed under
18 this section if a building inspector that has jurisdiction over the public building determines
19 that the installation of a [diaper-changing] **CHANGING** facility:

20 (1) is not practicable; or

21 (2) would result in a failure to comply with applicable building standards
22 governing the right of access for individuals with disabilities.

23 **(D) (1) THE BOARD OF PUBLIC WORKS, THROUGH THE DEPARTMENT OF
24 GENERAL SERVICES, SHALL ADOPT STANDARDS THAT A CHANGING FACILITY MUST
25 MEET IN ORDER TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION.**

26 **(2) THE STANDARDS SHALL BE FILED WITH THE SECRETARY OF
27 STATE.**

28 2-803.

29 (a) The Department of General Services, the University System of Maryland, and
30 the Department of Transportation are responsible for the enforcement of this subtitle in
31 the public buildings under each entity’s control if:

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

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

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

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

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

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

7 (c) (1) AN ENTITY RESPONSIBLE FOR THE ENFORCEMENT OF THIS
8 SUBTITLE SHALL REPORT THE LOCATION OF A CHANGING FACILITY TO 2-1-1
9 MARYLAND, INC., WHEN THE CHANGING FACILITY IS INSTALLED.

10 (2) 2-1-1 MARYLAND, INC., SHALL MAINTAIN ON ITS WEBSITE A LIST
11 CONTAINING ALL THE LOCATIONS OF THE CHANGING FACILITIES REPORTED UNDER
12 PARAGRAPH (1) OF THIS SUBSECTION.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.