

# SENATE BILL 534

P1, D5

9lr1332

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By: **Senators Lam, Guzzone, and Young**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Buildings and Places of Public Accommodation – Diaper-Changing**  
3 **Facilities in Restrooms**

4 FOR the purpose of requiring, except under certain circumstances, that a diaper-changing  
5 facility be installed in certain restrooms in certain public buildings and certain  
6 places of public accommodation; requiring the Board of Public Works, through the  
7 Department of General Services, to adopt certain standards; requiring certain  
8 standards to be filed with the Secretary of State; providing that the Department of  
9 General Services, the University System of Maryland, and the Department of  
10 Transportation are responsible for the enforcement of certain provisions of this Act  
11 under certain circumstances; providing that the governing body of a political  
12 subdivision is responsible for enforcement of certain provisions of this Act under  
13 certain circumstances; defining certain terms; and generally relating to  
14 diaper-changing facilities in public buildings and places of public accommodation.

15 BY adding to

16 Article – State Finance and Procurement  
17 Section 2–801 through 2–803 to be under the new subtitle “Subtitle 8.  
18 Diaper-Changing Facilities”  
19 Annotated Code of Maryland  
20 (2015 Replacement Volume and 2018 Supplement)

21 BY repealing and reenacting, without amendments,

22 Article – State Government  
23 Section 20–301  
24 Annotated Code of Maryland  
25 (2014 Replacement Volume and 2018 Supplement)

26 BY adding to

27 Article – State Government  
28 Section 20–307

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2014 Replacement Volume and 2018 Supplement)

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

5 **Article – State Finance and Procurement**

6 **SUBTITLE 8. DIAPER-CHANGING FACILITIES.**

7 **2-801.**

8 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
9 INDICATED.

10 (B) “DIAPER-CHANGING FACILITY” MEANS A TABLE OR OTHER DEVICE  
11 SUITABLE FOR CHANGING THE DIAPER OF A CHILD UNDER THE AGE OF 4 YEARS.

12 (C) (1) “PUBLIC BUILDING” MEANS A BUILDING, A STRUCTURE, OR AN  
13 IMPROVED AREA THAT IS:

14 (I) OWNED BY THE STATE OR A POLITICAL SUBDIVISION OF THE  
15 STATE; OR

16 (II) CONSTRUCTED FOR LEASE BY THE STATE OR A POLITICAL  
17 SUBDIVISION OF THE STATE.

18 (2) “PUBLIC BUILDING” INCLUDES:

19 (I) A PUBLIC MASS TRANSPORTATION ACCOMMODATION, SUCH  
20 AS A TERMINAL OR STATION, THAT IS SUPPORTED BY PUBLIC FUNDS; AND

21 (II) AN IMPROVEMENT OF A PUBLIC AREA USED FOR  
22 GATHERING OR AMUSEMENT, INCLUDING A PUBLIC PARK OR RECREATION CENTER.

23 (3) “PUBLIC BUILDING” DOES NOT INCLUDE A FACILITY THAT IS  
24 PRIMARILY USED TO PROVIDE PRIMARY OR SECONDARY EDUCATION.

25 (D) “PUBLIC RESTROOM” MEANS A SANITARY FACILITY AVAILABLE TO THE  
26 GENERAL PUBLIC THAT CONTAINS AT LEAST ONE TOILET OR URINAL.

27 (E) “SUBSTANTIAL RENOVATION” MEANS A CONSTRUCTION OR  
28 RENOVATION PROJECT WITH AN ESTIMATED COST OF \$10,000 OR MORE.

1 **2-802.**

2 (A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A  
3 DIAPER-CHANGING FACILITY SHALL BE INSTALLED IN:

4 (1) A PUBLIC RESTROOM CONSTRUCTED IN A PUBLIC BUILDING ON  
5 OR AFTER OCTOBER 1, 2019; AND

6 (2) A PUBLIC RESTROOM IN A PUBLIC BUILDING THAT UNDERGOES  
7 SUBSTANTIAL RENOVATION ON OR AFTER OCTOBER 1, 2019.

8 (B) (1) THE BOARD OF PUBLIC WORKS, THROUGH THE DEPARTMENT OF  
9 GENERAL SERVICES, SHALL ADOPT STANDARDS THAT A DIAPER-CHANGING  
10 FACILITY MUST MEET IN ORDER TO COMPLY WITH THE REQUIREMENTS OF  
11 SUBSECTION (A) OF THIS SECTION.

12 (2) THE STANDARDS SHALL BE FILED WITH THE SECRETARY OF  
13 STATE.

14 (C) A DIAPER-CHANGING FACILITY IS NOT REQUIRED TO BE INSTALLED  
15 UNDER THIS SECTION IF A BUILDING INSPECTOR OF THE LOCAL JURISDICTION IN  
16 WHICH A PUBLIC BUILDING IS LOCATED DETERMINES THAT THE INSTALLATION OF  
17 A DIAPER-CHANGING FACILITY:

18 (1) IS NOT FEASIBLE; OR

19 (2) WOULD RESULT IN A FAILURE TO COMPLY WITH APPLICABLE  
20 BUILDING STANDARDS GOVERNING THE RIGHT OF ACCESS FOR INDIVIDUALS WITH  
21 DISABILITIES.

22 **2-803.**

23 (A) THE DEPARTMENT OF GENERAL SERVICES, THE UNIVERSITY SYSTEM  
24 OF MARYLAND, AND THE DEPARTMENT OF TRANSPORTATION ARE RESPONSIBLE  
25 FOR THE ENFORCEMENT OF THIS SUBTITLE IF:

26 (1) ANY STATE CAPITAL NONSCHOOL FUNDS ARE USED; OR

27 (2) CONSTRUCTION IS ON STATE-OWNED LAND.

28 (B) THE GOVERNING BODY OF A POLITICAL SUBDIVISION IS RESPONSIBLE  
29 FOR THE ENFORCEMENT OF THIS SUBTITLE IF:

1 (1) CONSTRUCTION IS NOT ON STATE-OWNED LAND;

2 (2) FUNDS OF THE POLITICAL SUBDIVISION ARE USED; AND

3 (3) NO STATE FUNDS ARE USED, EXCEPT FOR STATE FUNDS FOR  
4 SCHOOL CONSTRUCTION.

5 **Article – State Government**

6 20–301.

7 In this subtitle, “place of public accommodation” means:

8 (1) an inn, hotel, motel, or other establishment that provides lodging to  
9 transient guests;

10 (2) a restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or  
11 other facility principally engaged in selling food or alcoholic beverages for consumption on  
12 or off the premises, including a facility located on the premises of a retail establishment or  
13 gasoline station;

14 (3) a motion picture house, theater, concert hall, sports arena, stadium, or  
15 other place of exhibition or entertainment;

16 (4) a retail establishment that:

17 (i) is operated by a public or private entity; and

18 (ii) offers goods, services, entertainment, recreation, or  
19 transportation; and

20 (5) an establishment:

21 (i) 1. that is physically located within the premises of any other  
22 establishment covered by this subtitle; or

23 2. within the premises of which any other establishment  
24 covered by this subtitle is physically located; and

25 (ii) that holds itself out as serving patrons of the covered  
26 establishment.

27 **20–307.**

28 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
29 INDICATED.

1           **(2) “DIAPER-CHANGING FACILITY” MEANS A TABLE OR OTHER**  
2 **DEVICE SUITABLE FOR CHANGING THE DIAPER OF A CHILD UNDER THE AGE OF 4**  
3 **YEARS.**

4           **(3) “PUBLIC RESTROOM” MEANS A SANITARY FACILITY AVAILABLE**  
5 **TO THE GENERAL PUBLIC THAT CONTAINS AT LEAST ONE TOILET OR URINAL.**

6           **(4) “SUBSTANTIAL RENOVATION” MEANS A CONSTRUCTION OR**  
7 **RENOVATION PROJECT WITH AN ESTIMATED COST OF \$10,000 OR MORE.**

8           **(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PLACE OF**  
9 **PUBLIC ACCOMMODATION SHALL INSTALL A DIAPER-CHANGING FACILITY IN:**

10           **(1) A PUBLIC RESTROOM CONSTRUCTED ON OR AFTER OCTOBER 1,**  
11 **2019; AND**

12           **(2) A PUBLIC RESTROOM THAT UNDERGOES SUBSTANTIAL**  
13 **RENOVATION ON OR AFTER OCTOBER 1, 2019.**

14           **(C) A DIAPER-CHANGING FACILITY IS NOT REQUIRED TO BE INSTALLED IN**  
15 **A PLACE OF PUBLIC ACCOMMODATION UNDER THIS SECTION IF A BUILDING**  
16 **INSPECTOR OF THE LOCAL JURISDICTION IN WHICH THE PLACE OF PUBLIC**  
17 **ACCOMMODATION IS LOCATED DETERMINES THAT INSTALLATION OF A**  
18 **DIAPER-CHANGING FACILITY:**

19           **(1) IS NOT FEASIBLE; OR**

20           **(2) WOULD RESULT IN A FAILURE TO COMPLY WITH APPLICABLE**  
21 **BUILDING STANDARDS GOVERNING THE RIGHT OF ACCESS FOR INDIVIDUALS WITH**  
22 **DISABILITIES.**

23           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2019.