

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 815

Introduced by McKinney, 11.

Read first time January 06, 2022

Committee:

- 1 A BILL FOR AN ACT relating to public health; to adopt the Diaper Changing
- 2 Accommodation Act; and to provide an operative date.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 6 of this act shall be known and may be
2 cited as the Diaper Changing Accommodation Act.

3 Sec. 2. The Legislature finds and declares that ensuring safe,
4 sanitary, convenient, and publicly accessible baby diaper changing
5 stations are widely available throughout the state for use by both men
6 and women is a matter of statewide concern and a beneficial public
7 policy.

8 Sec. 3. For purposes of the Diaper Changing Accommodation Act,
9 unless the context otherwise requires:

10 (1) Baby diaper changing station means a table or other device
11 suitable for changing the diaper of a child three years of age or
12 younger;

13 (2) Building inspector means an employee of a local permitting
14 entity that ensures a particular building or project complies with all
15 applicable laws, codes, and regulations;

16 (3) Local permitting entity means the state, city, county,
17 municipality, or other political subdivision permitting, inspection, and
18 enforcement authority over general construction, electrical and
19 mechanical-plumbing trades within its jurisdiction;

20 (4) Place of public accommodation means a place of business offering
21 or holding out to the general public goods, services, privileges,
22 facilities, advantages, and accommodations for the peace, comfort,
23 health, welfare, and safety of the general public and such public places
24 providing food, shelter, recreation, and amusement and includes, but is
25 not limited to:

26 (a) Any inn, hotel, motel, or other establishment which provides
27 lodging to transient guests, other than an establishment located within a
28 building which contains not more than five rooms for rent or hire and
29 which is actually occupied by the proprietor of such establishment as
30 such proprietor's residence;

31 (b) Any restaurant, bar, or other establishment serving food or

1 drink for consumption on the premises;

2 (c) Any gasoline station, including all facilities located on the
3 premises of such station and made available to the patrons thereof;

4 (d) Any motion picture house, theater, concert hall, stadium or
5 other place of exhibition or entertainment;

6 (e) Any auditorium, convention center, lecture hall, other place of
7 public gathering;

8 (f) Any public facility owned, operated, or managed by or on behalf
9 of this state or any agency or subdivision thereof which is open to
10 public; and

11 (g) Any retail establishment that is open to the public for the sale
12 of goods or services; and

13 (5) Substantially renovated means a renovation of a restroom
14 requiring a permit and estimated to cost in excess of ten thousand
15 dollars.

16 Sec. 4. (1) Every place of public accommodation constructed or
17 substantially renovated after the operative date of this act with
18 restrooms open and accessible to the public shall provide:

19 (a) At least one baby diaper changing station that is available for
20 use by women in a restroom designated for use by women and at least one
21 baby diaper changing station that is available for use by men in a
22 restroom designated for use by men; or

23 (b) At least one baby diaper changing station that is available for
24 use by men or women in a gender neutral or family restroom.

25 (2) The requirements of this section are in addition to any local,
26 state, or federal laws or regulations regarding access for persons with
27 disabilities and to existing fire, health, and safety codes or standards.

28 (3) This section does not apply to a place of public accommodation
29 that:

30 (a) Does not have a restroom available or accessible for general
31 public use;

1 (b) Does not permit anyone who is under eighteen years of age from
2 entering the premises; or

3 (c) Is located within another place of public accommodation which
4 contains a baby diaper changing station as described in subdivision (1)
5 (a) or (b) of this section that is open to the public and located within
6 five hundred feet of the first place of public accommodation.

7 (4) An exemption to the requirements of this section can be granted
8 by a local permitting entity or building inspector if such entity or
9 inspector determines that the installation of a baby diaper changing
10 station is not feasible or would result in a failure to comply with
11 applicable building standards or regulations, including the right of
12 access of persons with disabilities.

13 Sec. 5. (1) A place of public accommodation with a restroom open
14 and accessible to the public that contains a baby diaper changing station
15 shall include signage at or near the entrance of such restroom or
16 location indicating the presence of a baby diaper changing station.

17 (2) Each baby diaper changing station in a place of public
18 accommodation shall be maintained, repaired, and replaced as necessary to
19 ensure safety and ease of use and shall be cleaned with at least the same
20 frequency as the location in which it is located.

21 Sec. 6. The Diaper Changing Accommodation Act does not create a
22 private right of action.

23 Sec. 7. This act becomes operative on January 1, 2023.