

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 330

(Senator Smith, *et al.*)

Judicial Proceedings

**Public Buildings and Places of Public Accommodation - Diaper-Changing
Facilities**

This bill generally requires a diaper-changing facility to be installed in at least one public restroom within a public building or place of public accommodation constructed on or after October 1, 2019. The requirement also applies to a public restroom (in an existing building or accommodation) that is built or substantially renovated on or after October 1, 2019. Exceptions are established. The Board of Public Works (BPW) must develop standards for public buildings, specified State agencies 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 due to the bill. A reliable estimate of the total number of such facilities is not available, but any such expense can be absorbed within future project budgets, as discussed below. 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 due to the bill. A reliable estimate of the number of such facilities is not feasible but is likely substantial. Even so, local governments can likely absorb the cost within future construction budgets. No effect on revenues.

Small Business Effect: Minimal.

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 restroom” is a sanitary facility available to the general public that contains at least one toilet or urinal.

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.

If restrooms in a public building or place of public accommodation affected by the bill are divided by gender, a diaper-changing facility must be installed in at least one men’s public restroom and one women’s public restroom.

The bill’s requirement does not apply if a local building inspector determines that installation of a diaper-changing facility is not feasible or would result in a failure to comply with applicable building standards governing access by individuals with disabilities.

The Department of General Services (DGS), University System of Maryland (USM), and the Maryland Department of Transportation (MDOT) are responsible for enforcing the bill in buildings under their respective control if any State capital non-school funds are used or if construction is on State-owned land. Local governments must enforce the bill’s requirements if construction is not on State-owned land, local funds are used, and no State funds are used (except for school construction).

Current Law: There are no requirements to install diaper-changing facilities in public buildings or places of public accommodation.

A “place of public accommodation” means:

- an inn, hotel, motel, or other lodging establishment;
- a restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility that sells food or alcoholic beverages;
- a motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment; and
- specified retail and other establishments.

State Expenditures: DGS and MDOT advise that the cost of installing a diaper-changing facility in a restroom is approximately \$400 per restroom (or a maximum of \$800 per facility), which includes the cost of the device (approximately \$210) plus installation. As the bill requires installation of a diaper-changing facility in existing public buildings only when the public restroom is built or substantially renovated, any fiscal effect for State buildings is likely spread out over a number of years as buildings undergo renovation.

MDOT indicates only a small number (perhaps no more than four) of its facilities do not currently comply with the bill and would need to include a diaper-changing facility when their restrooms are renovated. DGS cannot provide a reliable estimate of the number of affected buildings under its control but advises its building specifications are being revised to include diaper-changing facilities; thus, any future costs will be absorbed within project budgets. Costs for USM facilities can also likely be absorbed within future construction budgets. The Department of Natural Resources has previously advised 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.

Additional Comments: DGS notes that the bill establishes that exceptions to the bill's requirements for State buildings are subject to the discretion of local building inspectors, who do not have jurisdiction over State buildings.

Additional Information

Prior Introductions: None.

Cross File: HB 1244 (Delegate Acevero, *et al.*) - Health and Government Operations and Appropriations.

Information Source(s): Baltimore City; Montgomery and Worcester counties; Maryland Association of Counties; Cities of Salisbury and Westminster; Town of Leonardtown; University System of Maryland; Department of General Services; Board of Public Works; Maryland Department of Transportation; AmeraProducts; Department of Legislative Services

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