HOUSE BILL 572

D5, L1, L3 2lr1293
HB 1147/20 – ECM & HGO CF SB 486

By: **Delegate Solomon**
Introduced and read first time: January 31, 2022
Assigned to: Economic Matters and Health and Government Operations

A BILL ENTITLED

AN ACT concerning

Places of Public Accommodation and Public Buildings – Gender–Inclusive Signage

FOR the purpose of requiring that single–occupancy public restrooms be marked with gender–inclusive signage in certain places of public accommodation and certain public buildings; providing that a county is responsible for enforcing the signage requirement in places of public accommodation; authorizing a county to set certain fines for second and subsequent violations; and generally relating to single–occupancy public restrooms in places of public accommodation and public buildings.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 2–801 and 2–803 to be under the amended subtitle "Subtitle 8. Public Restrooms"
Annotated Code of Maryland
(2021 Replacement Volume)

BY adding to
Article – State Finance and Procurement
Section 2–803
Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – State Government
Section 20–301
Annotated Code of Maryland
(2021 Replacement Volume)

BY adding to

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

Article – State Government
Section 20–307
Annotated Code of Maryland
(2021 Replacement Volume)

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

Article – State Finance and Procurement

Subtitle 8. **[**Changing Facilities**]** **PUBLIC RESTROOMS**.

2–801.

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

(b) "Changing facility" means a table or other device suitable for changing the diaper of a child under the age of 4 years and providing personal care for an adult.

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

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

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

(2) "Public building" includes:

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

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

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

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

(E) "SINGLE–OCCUPANCY PUBLIC RESTROOM" MEANS A PUBLIC RESTROOM THAT:

(1) IS FULLY ENCLOSED;

(2) MAY BE LOCKED BY THE USER; AND

(3) CONTAINS ONLY ONE TOILET.

[(e)**] (F)** "Substantial renovation" means a construction or renovation project with an estimated cost of $30,000 or more.

2–803.

ANY SINGLE–OCCUPANCY PUBLIC RESTROOM IN A PUBLIC BUILDING SHALL BE MARKED WITH GENDER–INCLUSIVE SIGNAGE THAT:

(1) (I) DOES NOT INDICATE A SPECIFIC GENDER;

(II) CONTAINS DESCRIPTIVE LANGUAGE, SUCH AS THE WORDS "RESTROOM", "BATHROOM", OR "TOILET"; AND

(III) CONTAINS A PICTURE OR AN ICON THAT DOES NOT SUGGEST THAT THE RESTROOM IS AVAILABLE FOR USE ONLY BY A SPECIFIC GENDER, SUCH AS A PICTURE OR AN ICON OF A TOILET; OR

(2) CONTAINS ONLY A PICTURE OR AN ICON THAT DOES NOT SUGGEST THAT THE RESTROOM IS AVAILABLE FOR USE ONLY BY A SPECIFIC GENDER, SUCH AS A PICTURE OR AN ICON OF A TOILET.

[2–803.**] 2–804.**

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

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

(2) construction is on State–owned land.

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

(1) construction is not on State–owned land;

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

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

(c) (1) An entity responsible for the enforcement of this subtitle shall report

the location of a changing facility to 2–1–1 Maryland, Inc., when the changing facility is installed.

(2) 2–1–1 Maryland, Inc., shall maintain on its website a list containing all the locations of the changing facilities reported under paragraph (1) of this subsection.

Article – State Government

20–301.

In this subtitle, "place of public accommodation" means:

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

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

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

(4) a retail establishment that:

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

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

(5) an establishment:

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

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

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

20–307.

(A) IN THIS SECTION, "SINGLE–OCCUPANCY PUBLIC RESTROOM" MEANS A SANITARY FACILITY AVAILABLE TO THE GENERAL PUBLIC THAT:

(1) IS FULLY ENCLOSED;

(2) MAY BE LOCKED BY THE USER; AND

(3) CONTAINS ONLY ONE TOILET.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY SINGLE–OCCUPANCY PUBLIC RESTROOM IN A PLACE OF PUBLIC ACCOMMODATION SHALL BE MARKED WITH GENDER–INCLUSIVE SIGNAGE THAT:

(I) 1. DOES NOT INDICATE A SPECIFIC GENDER;

2. CONTAINS DESCRIPTIVE LANGUAGE, SUCH AS THE WORDS "RESTROOM", "BATHROOM", OR "TOILET"; AND

3. CONTAINS A PICTURE OR AN ICON THAT DOES NOT SUGGEST THAT THE RESTROOM IS AVAILABLE FOR USE ONLY BY A SPECIFIC GENDER, SUCH AS A PICTURE OR AN ICON OF A TOILET; OR

(II) CONTAINS ONLY A PICTURE OR AN ICON THAT DOES NOT SUGGEST THAT THE RESTROOM IS AVAILABLE FOR USE ONLY BY A SPECIFIC GENDER, SUCH AS A PICTURE OR AN ICON OF A TOILET.

(2) A PLACE OF PUBLIC ACCOMMODATION THAT, BEFORE OCTOBER 1, 2022, MARKED A SINGLE–OCCUPANCY PUBLIC RESTROOM WITH SIGNAGE THAT IDENTIFIES THE RESTROOM AS GENDER–INCLUSIVE BUT DOES NOT OTHERWISE COMPLY WITH THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION MAY CONTINUE TO USE THAT SIGNAGE FOR THE PUBLIC RESTROOM.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, A COUNTY SHALL BE RESPONSIBLE FOR ENFORCING SUBSECTION (B) OF THIS SECTION FOR EACH PLACE OF PUBLIC ACCOMMODATION WITHIN ITS JURISDICTION.

(D) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, EACH COUNTY MAY SET A CIVIL FINE OR SERIES OF CIVIL FINES TO BE ISSUED TO A PLACE OF PUBLIC ACCOMMODATION THAT VIOLATES SUBSECTION (B) OF THIS SECTION.

(2) IN SETTING FINES UNDER THIS SUBSECTION, A COUNTY MAY NOT SET A FINE THAT EXCEEDS:

(I) FOR A FIRST VIOLATION, A WARNING;

(II) FOR A SECOND VIOLATION, A FINE OF $100; AND

(III) FOR A SUBSEQUENT VIOLATION, A FINE OF $250.

(3) A COUNTY MAY NOT IMPOSE A FINE UNDER THIS SUBSECTION ON A PLACE OF PUBLIC ACCOMMODATION UNTIL AT LEAST 30 DAYS AFTER THE ISSUANCE OF A WARNING TO THE PLACE OF PUBLIC ACCOMMODATION.

(4) REVENUE COLLECTED UNDER THIS SUBSECTION MAY BE USED ONLY FOR THE ENFORCEMENT OF THIS SECTION AND ANY ASSOCIATED ADMINISTRATIVE COSTS.

(5) A CRIMINAL PENALTY MAY NOT BE IMPOSED ON A PLACE OF PUBLIC ACCOMMODATION FOR A VIOLATION OF SUBSECTION (B) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That a county may not enforce the provisions governing single–occupancy restrooms in places of public accommodation, established under Section 1 of this Act, until 30 days after the enactment of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.