

Chapter 223

(House Bill 321)

AN ACT concerning

Public Buildings – Changing Facilities – Requirements

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

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 2–801 through 2–803 to be under the amended subtitle “Subtitle 8. Changing Facilities”

Annotated Code of Maryland

(2015 Replacement Volume and 2020 Supplement)

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. [Diaper–Changing] CHANGING Facilities.**

2–801.

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

(b) [“Diaper–changing”] **“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) “Substantial renovation” means a construction or renovation project with an estimated cost of \$30,000 or more.

2–802.

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

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

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

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

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

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

(1) THE PUBLIC BUILDING IS CONSTRUCTED ON OR AFTER OCTOBER

1, 2022;

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

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

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

(1) is not practicable; or

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

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

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

2-803.

(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.

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

Approved by the Governor, May 18, 2021.