

Senate Bill No. 1350

Passed the Senate May 23, 2014

Secretary of the Senate

Passed the Assembly August 25, 2014

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 118502 to the Health and Safety Code, relating to public accommodations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1350, Lara. Baby diaper changing accommodations.

Existing law requires publicly and privately owned facilities where the public congregates to be equipped with sufficient restrooms to meet the needs of the public at peak hours.

Existing law establishes the California Building Standards Commission to approve and adopt building standards adopted or proposed by state agencies. Existing law establishes the Building Standards Administration Special Revolving Fund in the State Treasury and makes moneys deposited in the fund available, upon appropriation, to the commission to carry out the duties of the commission, as specified.

This bill would require the California Building Standards Commission to develop and adopt standards governing the installation of baby diaper changing accommodations for restroom facilities in a place of public accommodation, as specified. The bill would require the commission to require, when developing the building standards, that any place of public accommodation that installs a baby diaper changing accommodation ensures that the accommodation is equally available or provided regardless of the gender for which the restroom facilities are designed. This requirement would only apply under specified circumstances, including when there is construction of a new restroom or substantial renovation of a restroom, as specified. The bill would authorize the commission, in adopting this standard, to consult with the State Architect, the Department of Housing and Community Development, the Office of Statewide Health Planning and Development, and other interested parties. The bill would also authorize the commission to expend funds from the Building Standards Administration Special Revolving Fund, upon appropriation as specified, for the development and adoption of these standards.

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature to ensure that baby diaper changing facilities are provided equally to both men and women in public restroom facilities.

SEC. 2. Section 118502 is added to the Health and Safety Code, to read:

118502. (a) (1) As part of the next triennial update of the California Building Standards Code (Title 24 of the California Code of Regulations) adopted after January 1, 2015, the California Building Standards Commission shall develop and adopt standards governing the installation of baby diaper changing accommodations for restroom facilities in a place of public accommodation. In adopting this standard, the commission may consult with the State Architect, the state Department of Housing and Community Development, the Office of Statewide Health Planning and Development, and other interested parties.

(2) The commission may expend funds from the Building Standards Administration Special Revolving Fund, upon appropriation pursuant to Section 18931.7, for the development and adoption of these standards.

(b) When developing the building standards, the commission shall require that any place of public accommodation that installs a baby diaper changing accommodation ensures that the accommodation is equally available or provided regardless of the gender for which the restroom is designed. This requirement shall apply only under the following circumstances:

(1) When there is construction of a new restroom.

(2) When there is substantial renovation of a restroom.

(3) To the extent that it may be implemented in compliance with local, state, and federal laws regarding access for persons with disabilities and with existing fire, health, and safety standards.

(c) As used in this section, “public accommodation” is defined as in Section 12181(7) of Title 42 of the United States Code.

(d) As used in this section, “substantial renovation” means a construction or renovation project requiring a building permit with an estimated cost of ten thousand dollars (\$10,000) or more.

(e) This section is not enforceable by a private right of action.

Approved _____, 2014

Governor