

SENATE BILL 401

L1, L3, P1

0lr0492
CF 0lr0991

By: **Senators Kagan, Carter, Elfreth, Guzzone, Hayes, Hester, Kelley, Lee, Washington, West, and Young**

Introduced and read first time: January 27, 2020

Assigned to: Judicial Proceedings and Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Places of Public Accommodation and Public Buildings – Single–Occupancy**
3 **Public Restrooms – Availability**
4 **(The Accessible to All Act)**

5 FOR the purpose of requiring that a single–occupancy public restroom be marked with
6 certain gender–inclusive signage in certain places of public accommodation and
7 certain public buildings; authorizing certain places of public accommodation to use
8 certain gender–inclusive signage that was in use before a certain date; providing that
9 a county or municipality is responsible for enforcing the signage requirement in
10 places of public accommodation; authorizing a county or municipality to set a fine or
11 series of fines for a certain violation, with certain limitations; requiring that certain
12 fines collected by a county or municipality be used for a certain purpose; prohibiting
13 a county or municipality from enforcing certain provisions of this Act until a certain
14 date; defining certain terms; and generally relating to single–occupancy public
15 restrooms in places of public accommodation and public buildings.

16 BY repealing and reenacting, with amendments,
17 Article – State Finance and Procurement
18 Section 2–801 and 2–803 to be under the amended subtitle “Subtitle 8. Public
19 Restrooms”
20 Annotated Code of Maryland
21 (2015 Replacement Volume and 2019 Supplement)

22 BY adding to
23 Article – State Finance and Procurement
24 Section 2–803
25 Annotated Code of Maryland
26 (2015 Replacement Volume and 2019 Supplement)

27 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – State Government
Section 20–301
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

BY adding to
Article – State Government
Section 20–307
Annotated Code of Maryland
(2014 Replacement Volume and 2019 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 Facilities] **PUBLIC RESTROOMS.**

2–801.

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

(b) “Diaper–changing facility” means a table or other device suitable for changing the diaper of a child under the age of 4 years.

(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) DOES NOT USE A PICTORIAL REPRESENTATION; AND

(2) CONTAINS ONLY DESCRIPTIVE LANGUAGE, SUCH AS THE WORDS “RESTROOM” OR “BATHROOM”.

[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.

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) DOES NOT USE A PICTORIAL REPRESENTATION; AND

(II) CONTAINS ONLY DESCRIPTIVE LANGUAGE, SUCH AS THE WORDS “RESTROOM” OR “BATHROOM”.

(2) A PLACE OF PUBLIC ACCOMMODATION THAT, BEFORE OCTOBER 1, 2020, 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 OR MUNICIPALITY SHALL BE RESPONSIBLE FOR ENFORCING SUBSECTION (B) OF THIS SECTION FOR EACH PLACE OF PUBLIC ACCOMMODATION WITHIN ITS JURISDICTION.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, EACH COUNTY OR MUNICIPALITY 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 OR MUNICIPALITY 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) REVENUE COLLECTED UNDER THIS SUBSECTION MAY BE USED ONLY FOR THE ENFORCEMENT OF THIS SECTION AND ANY ASSOCIATED ADMINISTRATIVE COSTS.

SECTION 2. AND BE IT FURTHER ENACTED, That a county or municipality may not enforce the provisions governing single-occupancy restrooms in places of public accommodation, established under Section 1 of this Act, until 60 days after the enactment of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.