

HOUSE BILL REPORT

HB 2052

As Reported by House Committee On:
Local Government

Title: An act relating to increasing the availability of baby diaper changing stations.

Brief Description: Increasing the availability of baby diaper changing stations.

Sponsors: Representatives Callan, Riccelli, Leavitt, Berry, Duerr, Reed, Ormsby, Ortiz-Self, Fosse, Doglio, Reeves, Paul, Pollet and Davis.

Brief History:

Committee Activity:

Local Government: 1/23/24, 1/31/24 [DPS].

Brief Summary of Substitute Bill

- Requires a baby diaper changing station in both a restroom accessible to women and a restroom accessible to men, or in a gender-neutral restroom, in each newly constructed public building in which a public restroom is required and in any existing public building when a permit is issued for the renovation of a public restroom in the building with an estimated cost of \$10,000 or more, with certain exceptions.
- Provides that a first violation of the diaper changing station requirement is subject to a warning, with subsequent violations classified as class 2 civil infractions.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg, Griffey and Riccelli.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Kellen Wright (786-7134).

Background:

The State Building Code Council (Council) is a state agency responsible for the adoption of the State Building Code (Code). The Code specifies the minimum plumbing facilities required in a building. In general, the Code requires that, for structures and spaces intended for public use, the public must be provided with public toilet facilities. The number and types of facilities depend on the use and size of the structure. Retail stores, for example, must generally have one water closet per 500 occupants, and one lavatory per 750 occupants. The facilities required may sometimes be broken down into those required for men and those required for women. A theater, for example, must have one water closet for men per 125 occupants, one water closet for women per 65 occupants, and one lavatory per 200 occupants.

With exceptions for certain smaller locations, such as mercantile occupancies with a maximum occupant load of 100 or fewer people, separate facilities are required for men and women, unless the facilities are designed for use by both men and women. Building permits are generally required when alterations are made to an existing building or when a new building is constructed.

District and municipal courts have jurisdictions over civil infractions, or local governments can design their own system for dealing with infractions. The penalty for an infraction depends on the class of the infraction. In general, a class 1 civil infraction is subject to a \$250 fine, a class 2 infraction to a \$125 fine, a class 3 infraction to a \$50 fine, and a class 4 infraction to a \$25 fine.

In 2016 the Bathrooms Accessible in Every Situation (or BABIES) Act was signed into federal law. This act requires, with limited exceptions, that at least one restroom on each floor in all publicly accessible federal buildings has a baby changing table. Restrooms that do not have a changing table must have clear and conspicuous signage indicating where a restroom with a baby changing table can be located on the same floor.

The Americans with Disabilities Act prohibits discrimination against people with disabilities, and requires that public accommodations have certain accessibility features.

Summary of Substitute Bill:

A public building is any building required to have a public restroom by the Code or local government regulations.

A newly constructed public building in which a public restroom is required must provide a baby diaper changing station. So, too, must an existing public building in which a public

restroom is required when a permit is issued for the renovation of a public restroom within the building with an estimated cost of \$10,000 or more. The changing stations must be provided in at least one restroom that is accessible to women and one restroom that is accessible to men, or in one gender-neutral restroom. Any restroom that does not contain a changing station must have clear and conspicuous signage indicating where a restroom with a changing station can be located.

The required baby diaper changing station must be a table or device that is in compliance with Code requirements and is suitable for changing the diaper of a child under 50 pounds.

The baby diaper changing station requirements do not apply to industrial buildings, commercial buildings that do not admit people under 18 years of age, or to restrooms in health care facilities, if the restroom is intended only for the use of one patient at a time and is not for public use. An existing public building is also exempt from the requirement if the local government issuing the permit, or a building inspector, determine that the installation of a baby diaper changing station in the building is not feasible, or if it would cause the restroom to become out of compliance with building standards for access for persons with disabilities.

A city or county attorney must issue a warning for the first violation of the requirement to have a baby diaper changing station. Second and subsequent violations are class 2 civil infractions.

Substitute Bill Compared to Original Bill:

The substitute bill:

- removes the requirement that the Council adopt rules for baby diaper changing stations;
- requires baby diaper changing stations in both a restroom accessible to women and a restroom accessible to men, or in a gender-neutral restroom, in newly constructed public buildings and in existing public buildings when a permit is issued for a public restroom renovation with an estimated cost of \$10,000 or more;
- provides a definition of "public building;"
- provides that the installation of a baby diaper changing station is not required if installing it in the building is not feasible, or would result in a failure to comply with standards for access for persons with disabilities; and
- requires the city or county attorney to issue a warning for a first violation of the requirement to have a baby diaper changing station, with subsequent violations classified as class 2 civil infractions.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) It can be difficult for parents to find baby changing stations. Parents often have to search for a changing station, and this can lead to increased diaper rashes and infections because babies cannot be changed quickly. This bill would create more access to safe and sanitary changing stations. The bill allows access for all caregivers who need to change a baby's diaper, not just women. This would allow a more equal partnership in public childcare responsibilities, as men's ability to assist is currently limited. Currently, children only ever see that mothers are the ones that are expected or allowed to provide this care, which has implications for the future. If a restroom did not contain a changing station, it would need to have a sign indicating where the changing station could be found. There may need to be some fine-tuning to make sure that it is not overburdening small businesses and does not conflict with Americans with Disabilities Act (ADA) requirements.

(Opposed) None.

(Other) We want to make sure the bill does not create a conflict with ADA, including around requirements for square footage in bathrooms. We would like to see the Council removed from the bill in order to avoid requirements being added county-by-county. The renovations that trigger a requirement to comply with the bill should be limited to bathroom permits in particular, rather than just the pulling of a general permit.

Persons Testifying: (In support) Representative Lisa Callan, prime sponsor; and Alexandra Johnson.

(Other) Samantha Louderback, Washington Hospitality Association; and Katie Beeson, Washington Food Industry Association.

Persons Signed In To Testify But Not Testifying: None.