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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 104. ENVIRONMENTAL HEALTH [106500 - 119406]** ( Division 104 added by Stats. 1995, Ch. 415, Sec. 6. )

**PART 15. MISCELLANEOUS REQUIREMENTS [118375 - 119406]** ( Part 15 added by Stats. 1995, Ch. 415, Sec. 6. )

**CHAPTER 2. Restrooms [118500 - 118703]** ( Chapter 2 added by Stats. 1995, Ch. 415, Sec. 6. )

**ARTICLE 1. Public Restrooms [118500 - 118507]** ( Article 1 added by Stats. 1995, Ch. 415, Sec. 6. )

**118500.** Every public agency that conducts an establishment serving the public or open to the public and that maintains therein restroom facilities for the public, shall make every water closet for each sex maintained within the facilities available without cost or charge to the patrons, guests, or invitees of the establishment. "Public agency" as used in this section means only the state and any agency of the state and a city, a county, and a city and county.

(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)

**118505.** (a) Publicly and privately owned facilities where the public congregates shall be equipped with sufficient temporary or permanent restrooms to meet the needs of the public at peak hours.

(b) In conformity with the State Plumbing Code, and except as otherwise provided in this section, standards shall be adopted in order to enforce this section, as follows:

(1) The State Building Standards Commission shall adopt standards with respect to all state-owned or state-occupied facilities where the public congregates and over which it has jurisdiction pursuant to Section 18934.5.

(2) The Office of the State Architect shall adopt standards with respect to all facilities where the public congregates and that are not covered by paragraph (1), unless exempt from coverage pursuant to this section.

(c) The standards adopted pursuant to subdivision (b) shall be published in the State Building Standards Code contained in Title 24 of the California Code of Regulations.

(d) This section shall apply to facilities where the public congregates that commence construction, or that undertake structural alterations, repairs, or improvements exceeding 50 percent of the entire facility, on or after January 1, 1989.

(e) For the purposes of this section, "facilities where the public congregates" means sports and entertainment arenas, stadiums, community and convention halls, specialty event centers, amusement facilities, and ski resorts.

For purposes of this section, "facilities where the public congregates" also means specialty event centers in public parks.

(f) This section shall not apply to the following:

(1) Any hotel. For purposes of this section, "hotel" means an establishment in which there exists the relationship of guests and innkeeper between the occupants and the owner or operator of the establishment. The existence of some other legal relationship between the occupants and owner or operator shall be immaterial.

(2) Any restaurant or food facility, as defined in Section 113785.

(3) Any public or private elementary or secondary school facility.

(4) Any qualified historic building, defined as qualifying under provisions in the State Historical Building Code contained in Part 8 (commencing with Section 8-100) of Title 24 of the California Code of Regulations.

(g) It is the intent of the Legislature that, in order to ensure that standards are both viable and efficacious, the Office of the State Architect and the State Building Standards Commission hold a series of public meetings with representatives of affected industries and state and local agencies prior to adopting standards under this section.

*(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)*

**118506.** (a) (1) A theater or movie house, grocery store, health facility, convention center, sports arena, auditorium, cultural complex, exhibition hall, library, passenger terminal, permanent amusement park structure, restaurant with an occupancy of at least 60 persons, as determined by the State Fire Marshal, shopping center of more than 25,000 square feet, tourist attraction, or retail store of more than 5,000 square feet shall install and maintain at least one baby diaper changing station if the facility is open to the public. There shall be at least one safe, sanitary, convenient, and publicly accessible baby diaper changing station that is accessible to women entering a restroom provided for use by women and one that is accessible to men entering a restroom provided for use by men, or at least one safe, sanitary, convenient, and publicly accessible baby diaper changing station that is accessible to both men and women.

(2) This section does not apply to an industrial building or to a nightclub or bar that does not permit anyone who is under 18 years of age to enter the premises. This section also does not apply to a restroom located in a health facility if the restroom is intended for the use of one patient or resident at a time.

(b) This section shall not be enforceable by a private right of action.

(c) (1) Subdivision (a) applies to all new construction, and, except as otherwise provided in paragraph (2), to all renovations of bathrooms for which a permit has been obtained, in which the estimated cost of the new construction or renovation is ten thousand dollars (\$10,000) or more. If an entity subject to subdivision (a) is already in compliance with that subdivision at the time of new construction or renovation, additional restrooms equipped with baby diaper changing stations are not required.

(2) Subdivision (a) does not apply to a renovation if a local building permitting entity or building inspector determines that the installation of a baby diaper changing station is not feasible or would result in a failure to comply with applicable building standards governing the right of access for persons with disabilities. The permitting entity or building inspector may grant an exemption from the requirements of subdivision (a) under those circumstances.

(d) For purposes of this section, the following definitions shall apply:

(1) "Health facility" has the meaning set forth in Section 1250.

(2) "Restaurant with an occupancy of at least 60 persons" does not apply to a restaurant if there is a centrally located facility with a baby diaper changing station that is open to the public and located within 300 feet of the entrance to the restaurant.

*(Added by Stats. 2017, Ch. 755, Sec. 3. (AB 1127) Effective January 1, 2018.)*

**118507.** (a) Notwithstanding Chapter 4 (commencing with Section 401.0) of the California Plumbing Code (Part 5 of Title 24 of the California Code of Regulations), a city, county, or city and county may require new or renovated public toilet facilities within its jurisdiction to be designed, constructed, and identified for use by all genders instead of the design standards for separate facilities for men and women found in the applicable provisions in Chapter 4 of the California Plumbing Code.

If a city, county, or city and county exercises the authority provided in this subdivision, it shall do so by adopting an ordinance or resolution.

(b) (1) Signs in compliance with Title 24 of the California Code of Regulations shall identify the restrooms for use by all genders.

(2) Single-user toilet facilities shall comply with the requirements of Part 5 of Title 24 of the California Code of Regulations.

(3) In multiuser toilet facilities, lavatories shall be located either in toilet rooms or grouped in an immediately adjacent common use area accessible to all users.

(c) This section shall become inoperative on the date that standards that address all-gender, multiuser facilities take effect in the California Building Standards Code (Title 24 of the California Code of Regulations) and as of that date this section is repealed.

*(Added by Stats. 2022, Ch. 839, Sec. 1. (SB 1194) Effective January 1, 2023. Conditionally repealed as prescribed by its own provisions.)*