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AB-1127 Baby diaper changing stations. (2017-2018)

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Assembly Bill No. 1127

CHAPTER 755

An act to add Sections 15805 and 50535 to the Government Code, and to add Section 118506 to the Health and Safety Code, relating to public accommodations.

[Approved by Governor October 13, 2017. Filed with Secretary of State October 13, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1127, Calderon. Baby diaper changing stations.

(1) Existing law establishes and imposes on state and local agencies various requirements relating to the acquisition, construction, and renovation of public buildings.

This bill would require new construction or renovation of a public building, as specified, that is owned by a state or a local agency, or a portion of a building that is owned by a state or local agency and includes at least one restroom that is open to the public, to provide at least one safe, sanitary, convenient, and publicly accessible baby diaper changing station, as specified. The bill would require each station to be maintained, repaired, and replaced as necessary to ensure safety and ease of use, and to be cleaned with the same frequency as the restroom in which it is located. By imposing a higher level of service on local agencies, the bill would impose a state-mandated local program.

(2) Existing law also 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.

This bill would require various facilities, including a theater, sports arena, or library, to install and maintain at least one baby diaper changing station if the facility is open to the public, as specified.

(3) The bill would set forth findings and declarations stating that ensuring that safe, sanitary, convenient, and publicly accessible baby diaper changing stations are widely available throughout the state is a matter of statewide concern.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 15805 is added to the Government Code, to read:

15805. (a) A public building that is owned by a state agency, or a portion of a building that is owned by the state and includes at least one restroom that is open to the public, shall provide 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 at least one safe, sanitary, convenient, and publicly accessible baby diaper changing station 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. Each station shall include signage at or near the entrance to the station indicating the location of the baby diaper changing station. If there is a central directory identifying, for the benefit of the public, the location of offices, restrooms, and other facilities in the building, that central directory shall indicate the location of the baby diaper changing stations. Each baby diaper changing station shall be maintained, repaired, and replaced as necessary to ensure safety and ease of use, and shall be cleaned with the same frequency as the restroom in which it is located.

(b) (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.

(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 this section under those circumstances.

SEC. 2. Section 50535 is added to the Government Code, to read:

50535. (a) (1) A public building that is owned by a local agency, or a portion of a building that is owned by a local agency and includes at least one restroom that is open to the public, shall provide 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 at least one safe, sanitary, convenient, and publicly accessible baby diaper changing station 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) Each station shall include signage at or near the entrance to the station indicating the location of the baby diaper changing station. If there is a central directory identifying, for the benefit of the public, the location of offices, restrooms, and other facilities in the building, that central directory shall indicate the location of the baby diaper changing stations. Each baby diaper changing station shall be maintained, repaired, and replaced as necessary to ensure safety and ease of use, and shall be cleaned with the same frequency as the restroom in which it is located.

(b) (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.

(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 this section under those circumstances.

SEC. 3. Section 118506 is added to the Health and Safety Code, to read:

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.

SEC. 4. The Legislature finds and declares that ensuring safe, sanitary, convenient, and publicly accessible baby diaper changing stations are widely available throughout the state is a matter of statewide concern, and not a municipal affair. Therefore, Section 2 of this act is applicable to charter cities, charter counties, and charter cities and counties. The Legislature encourages the University of California to comply with Section 1 of this act.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.