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AB-521 Occupational safety and health standards: construction jobsites: toilet facilities. (2023-2024)

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Assembly Bill No. 521

CHAPTER 529

An act to amend Section 118600 of the Health and Safety Code, and to add Section 6722 to the Labor Code, relating to occupational safety and health.

[Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 521, Bauer-Kahan. Occupational safety and health standards: construction jobsites: toilet facilities.

Existing law grants the Division of Occupational Safety and Health, which is within the Department of Industrial Relations, jurisdiction over all employment and places of employment, and the power necessary to enforce and administer all occupational health and safety laws and standards. The Occupational Safety and Health Standards Board, an independent entity within the department, has the exclusive authority to adopt occupational safety and health standards within the state. Existing law, the California Occupational Safety and Health Act of 1973 (OSHA), requires employers to comply with certain safety and health standards, as specified, and charges the division with enforcement of the act.

Existing law requires the division, before December 1, 2025, to submit to the standards board a rulemaking proposal to consider revising the heat illness standard and wildfire smoke standard. Existing law also requires the standards board to review the proposed changes and consider adopting revised standards on or before December 31, 2025.

This bill would require the standards board, before December 1, 2025, to draft a rulemaking proposal to consider revising a regulation on construction jobsite toilet facilities to require at least one single-user toilet facility on all construction jobsites, designated for employees who self-identify as female or nonbinary. The bill would require the standards board to consider adopting revised standards for the standards described above on or before December 31, 2025.

Existing law further requires all single-user toilet facilities in a business establishment, place of public accommodation, or state or local government agency to be identified as all-gender toilet facilities by specified signage and designated for use by no more than one occupant at a time or for family or assisted use.

This bill would provide that this provision does not apply to construction jobsites, as described above. The bill would include related legislative findings.

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

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

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Women and nonbinary individuals are underrepresented in the trades and also face numerous barriers on construction jobsites.

(2) One of these many barriers is access to a clean and secure restroom.

(3) Shared restrooms often pose sanitary as well as safety concerns for women and nonbinary individuals on construction jobsites.

(b) In order to ensure the safety and security of women and nonbinary individuals on construction jobsites, the Legislature further finds and declares that it is necessary to take action to ensure that women and nonbinary individuals have access to at least one separate designated toilet facility at construction jobsites when other toilet facilities are also available for others at the construction jobsite.

SEC. 2. Section 118600 of the Health and Safety Code is amended to read:

118600. (a) All single-user toilet facilities in any business establishment, place of public accommodation, or state or local government agency shall be identified as all-gender toilet facilities by signage that complies with Title 24 of the California Code of Regulations, and designated for use by no more than one occupant at a time or for family or assisted use.

(b) During any inspection of a business or a place of public accommodation by an inspector, building official, or other local official responsible for code enforcement, the inspector or official may inspect for compliance with this section.

(c) For the purposes of this section, "single-user toilet facility" means a toilet facility with no more than one water closet and one urinal with a locking mechanism controlled by the user.

(d) This section shall become operative on March 1, 2017.

(e) This section does not apply to construction jobsites, as described in subdivision (a) of Section 6722 of the Labor Code.

SEC. 3. Section 6722 is added to the Labor Code, to read:

6722. (a) (1) The standards board, before December 1, 2025, shall draft a rulemaking proposal to consider revising Section 1526 of Title 8 of the California Code of Regulations to require at least one single-user toilet facility on all construction jobsites, designed for employees who self-identify as female or nonbinary.

(2) The standards board shall consider adopting revised standards for the standards described in paragraph (1) on or before December 31, 2025.

(b) A construction jobsite described in paragraph (1) of subdivision (a) shall not be subject to the requirements set forth in Section 118600 of the Health and Safety Code.