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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2033

Session of  
1989

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INTRODUCED BY RUDY, B. SMITH, OLIVER, HARPER, COHEN, JACKSON,  
JOHNSON, KOSINSKI, SCHULER, GODSHALL, J. L. WRIGHT, DEMPSEY,  
VEON, ROBINSON, BELARDI, BILLOW, NAHILL, E. Z. TAYLOR,  
GIGLIOTTI, DONATUCCI, JOSEPHS, LAUGHLIN, KUKOVICH, GLADECK,  
FOX, WILSON, LINTON, WESTON, TRELLO, PESCI, WILLIAMS,  
MICHLOVIC, HERSHEY, TELEK, MARSICO AND JAMES,  
OCTOBER 23, 1989

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SENATOR MADIGAN, LABOR AND INDUSTRY, IN SENATE, AS AMENDED,  
NOVEMBER 14, 1990

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AN ACT

1 Providing for restrooms in facilities where the public  
2 congregates; and requiring that restroom facilities be  
3 provided for women on an equitable basis.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Statement of purpose.

7 The purpose of this act is to end the inequitable delays  
8 which women face when they need to use restroom facilities in  
9 public places when men are rarely required to wait for the same  
10 purpose.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall  
13 have the meanings given to them in this section unless the  
14 context clearly indicates otherwise:

15 "Department." The Department of Labor and Industry of the

1 Commonwealth of Pennsylvania.

2 "Facilities where the public congregates." Sports and  
3 entertainment arenas, stadiums, community and convention halls,  
4 specialty event centers, amusement facilities, ski resorts, and  
5 public middle schools and high schools. The term includes  
6 specialty event centers in public parks.

7 "Public building." A building owned or leased by the  
8 Commonwealth, an agency or instrumentality of the Commonwealth  
9 or a political subdivision.

10 "RENOVATION."

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11 (1) THE REHABILITATION OF AN EXISTING BUILDING WHICH  
12 REQUIRES MORE THAN 50% OF THE GROSS FLOOR AREA OR VOLUME OF  
13 THE ENTIRE BUILDING TO BE REBUILT. COSMETIC WORK SUCH AS  
14 PAINTING, WALL COVERING, WALL PANELING, FLOOR COVERING AND  
15 SUSPENDED CEILING WORK SHALL NOT BE INCLUDED; OR

16 (2) ANY ADDITION TO AN EXISTING BUILDING. THE PROVISIONS  
17 OF THIS ACT SHALL ONLY APPLY TO SUCH PORTION OF THE BUILDING  
18 BEING RENOVATED AND NOT TO THE ENTIRE BUILDING.

19 "Specialty event center." An open arena used for rallies,  
20 concerts, exhibits, etc., with no permanent structure for  
21 purposes of assembly.

22 Section 3. Restroom requirements.

23 Publicly and privately owned facilities where the public  
24 congregates shall be equipped with sufficient temporary or  
25 permanent restrooms to meet the needs of the public at peak  
26 hours. More water closets and lavatories shall be provided for  
27 women than for men by a ratio determined by the department.  
28 Facilities shall conform with and be approved by the department  
29 in accordance with the provisions of the act of April 27, 1927  
30 (P.L.465, No.299), referred to as the Fire and Panic Act.

1 Section 4. Standards.

2 The department shall adopt, by regulation, standards with  
3 respect to all public and private facilities where the public  
4 congregates, unless such facilities are exempt from coverage  
5 under section 6.

6 Section 5. Applicability.

7 This act shall apply to facilities where the public  
8 congregates which commence construction, or which undertake  
9 structural alterations, ~~repairs or improvements~~ OR RENOVATIONS <—  
10 exceeding 50% of the entire facility, on or after January 1,  
11 1990. Implementation of the provisions of this act shall be  
12 based upon contracts for design or construction signed on or  
13 after the effective date of the rules and regulations  
14 promulgated under this act.

15 Section 6. Exemptions.

16 This act shall not apply to the following:

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

23 (2) Any public eating or drinking place as defined in  
24 the act of May 23, 1945 (P.L.926, No.369), referred to as the  
25 Public Eating and Drinking Place Law.

26 (3) Community and municipal parks with seating capacity  
27 for less than 500 persons.

28 Section 7. Effective date.

29 This act shall take effect ~~immediately~~ IN 120 DAYS. <—