

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1029 Session of 2019

INTRODUCED BY McCARTER, HANBIDGE, RABB, FREEMAN, MURT, KINSEY, KIRKLAND, SCHLOSSBERG, OTTEN, HILL-EVANS, HARRIS, McCLINTON, FRANKEL, MADDEN, KORTZ, STURLA, ULLMAN AND SCHWEYER, APRIL 2, 2019

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, APRIL 2, 2019

AN ACT

1 Amending the act of November 10, 1999 (P.L.491, No.45), entitled  
 2 "An act establishing a uniform construction code; imposing  
 3 powers and duties on municipalities and the Department of  
 4 Labor and Industry; providing for enforcement; imposing  
 5 penalties; and making repeals," in uniform construction code,  
 6 providing for diaper changing stations in public facilities.

7 The General Assembly of the Commonwealth of Pennsylvania  
 8 hereby enacts as follows:

9 Section 1. The act of November 10, 1999 (P.L.491, No.45),  
 10 known as the Pennsylvania Construction Code Act, is amended by  
 11 adding a section to read:

12 Section 306. Diaper changing stations in public facilities.

13 (a) General rule.--An individual, corporation, partnership,  
 14 company, organization, association or other business entity that  
 15 owns or manages a public facility with at least one restroom  
 16 that is open to the public shall install and maintain a safe,  
 17 sanitary, convenient and publicly accessible diaper changing  
 18 station in each public restroom.

19 (b) Compliance.--Except as provided in subsection (c), all

1 existing public facilities, new construction and renovations for  
2 which a permit has been obtained shall comply with the  
3 requirements under subsection (a). An existing public facility  
4 which is not in compliance shall have 90 days from the effective  
5 date of this subsection to meet the requirements under  
6 subsection (a).

7 (c) Exception.--This section does not apply to existing  
8 public facilities, new construction or renovations for which a  
9 permit has been obtained if a code administrator determines that  
10 the installation of a diaper changing station is not feasible or  
11 would result in a failure to comply with applicable building  
12 standards governing the right of access for individuals with  
13 disabilities.

14 (d) Signage.--A public facility shall ensure the following:

15 (1) Each public restroom shall include signage at or  
16 near the entrance to the public restroom indicating the  
17 location of the diaper changing station.

18 (2) If there is a central directory identifying, for the  
19 benefit of the public, the location of offices, restrooms and  
20 other facilities in the building, that central directory  
21 shall indicate the location of diaper changing stations.

22 (e) Maintenance, repair and cleaning.--A diaper changing  
23 station shall be maintained, repaired and replaced as necessary  
24 to ensure safety and ease of use and shall be cleaned with the  
25 same frequency as the restroom in which it is located.

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

1 (g) Definitions.--As used in this section, the following  
2 words and phrases shall have the meanings given to them in this  
3 subsection unless the context clearly indicates otherwise:

4 "Commonwealth agency." An agency, authority or other  
5 instrumentality of the Commonwealth.

6 "Diaper changing station." A table or other device suitable  
7 for changing the diaper of a child three years of age or  
8 younger.

9 "Health facility." A facility, place or building that is  
10 organized, maintained and operated for the diagnosis, care,  
11 prevention and treatment of human illness, including  
12 convalescence and rehabilitation and care during and after  
13 pregnancy, for one or more individuals, to which the individuals  
14 are admitted for a 24-hour stay or longer.

15 "Public facility." Any of the following:

16 (1) A public building owned by a Commonwealth agency or  
17 a portion of a building that is owned by the Commonwealth and  
18 includes at least one restroom that is open to the public.

19 (2) A public building owned by a municipality or portion  
20 of a building that is owned by a municipality and includes at  
21 least one restroom that is open to the public.

22 (3) A theater or movie house, grocery store, health  
23 facility, convention center, sports arena, auditorium,  
24 cultural complex, exhibition hall, library, passenger  
25 terminal, permanent amusement park structure, restaurant with  
26 occupancy of at least 60 persons, shopping center of more  
27 than 25,000 square feet, tourist attraction or retail store  
28 of more than 5,000 square feet.

29 Section 2. This act shall take effect in 60 days.