

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2033

Session of
1989

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

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
FEBRUARY 13, 1990

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

13 Section 3. Restroom requirements.

14 Publicly and privately owned facilities where the public
15 congregates shall be equipped with sufficient temporary or
16 permanent restrooms to meet the needs of the public at peak
17 hours. More water closets and lavatories shall be provided for
18 women than for men by a ratio determined by the department.

19 FACILITIES SHALL CONFORM WITH AND BE APPROVED BY THE DEPARTMENT
20 IN ACCORDANCE WITH THE PROVISIONS OF THE ACT OF APRIL 27, 1927
21 (P.L.465, NO.299), REFERRED TO AS THE FIRE AND PANIC ACT.

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22 Section 4. Standards.

23 The department shall adopt, by regulation, standards with
24 respect to all public and private facilities where the public
25 congregates, unless such facilities are exempt from coverage
26 under section 6.

27 Section 5. Applicability.

28 This act shall apply to facilities where the public
29 congregates which commence construction, or which undertake
30 structural alterations, repairs or improvements exceeding 50% of

1 the entire facility, on or after January 1, 1990. IMPLEMENTATION <—
2 OF THE PROVISIONS OF THIS ACT SHALL BE BASED UPON CONTRACTS FOR
3 DESIGN OR CONSTRUCTION SIGNED ON OR AFTER THE EFFECTIVE DATE OF
4 THE RULES AND REGULATIONS PROMULGATED UNDER THIS ACT.

5 Section 6. Exemptions.

6 This act shall not apply to the following:

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

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

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

18 Section 7. Effective date.

19 This act shall take effect immediately.