
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1351 Session of
2006

INTRODUCED BY REGOLA, D. WHITE AND RAFFERTY, OCTOBER 11, 2006

REFERRED TO LABOR AND INDUSTRY, OCTOBER 11, 2006

AN ACT

1 Reenacting the former act of December 17, 1990 (P.L.742,
2 No.185), entitled "An act providing for restrooms in
3 facilities where the public congregates; and requiring that
4 restroom facilities be provided for women on an equitable
5 basis," restoring the act to the state in which it existed
6 prior to repeal by the Pennsylvania Construction Code Act.

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

9 Section 1. The act of December 17, 1990 (P.L.742, No.185),
10 entitled "An act providing for restrooms in facilities where the
11 public congregates; and requiring that restroom facilities be
12 provided for women on an equitable basis," repealed November 10,
13 1999 (P.L.491, No.45), is reenacted to read:

14 AN ACT

15 Providing for restrooms in facilities where the public
16 congregates; and requiring that restroom facilities be
17 provided for women on an equitable basis.

18 Section 1. Statement of purpose.

19 The purpose of this act is to end the inequitable delays
20 which women face when they need to use restroom facilities in

1 public places when men are rarely required to wait for the same
2 purpose.

3 Section 2. Definitions.

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

7 "Department." The Department of Labor and Industry of the
8 Commonwealth of Pennsylvania.

9 "Facilities where the public congregates." Sports and
10 entertainment arenas, stadiums, community and convention halls,
11 specialty event centers, amusement facilities, ski resorts and
12 public middle schools and high schools. The term includes
13 specialty event centers in public parks.

14 "Public building." A building owned or leased by the
15 Commonwealth, an agency or instrumentality of the Commonwealth
16 or a political subdivision.

17 "Renovation."

18 (1) The rehabilitation of an existing building which
19 requires more than 50% of the gross floor area or volume of
20 the entire building to be rebuilt. Cosmetic work such as
21 painting, wall covering, wall paneling, floor covering and
22 suspended ceiling work shall not be included; or

23 (2) any addition to an existing building.

24 The provisions of this act shall only apply to such portion of
25 the building being renovated and not to the entire building.

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

29 Section 3. Restroom requirements.

30 Publicly and privately owned facilities where the public

1 congregates shall be equipped with sufficient temporary or
2 permanent restrooms to meet the needs of the public at peak
3 hours. More water closets and lavatories shall be provided for
4 women than for men by a ratio determined by the department.
5 Facilities shall conform with and be approved by the department
6 in accordance with the provisions of the act of April 27, 1927
7 (P.L.465, No.299), referred to as the Fire and Panic Act.

8 Section 4. Standards.

9 The department shall adopt, by regulation, standards with
10 respect to all public and private facilities where the public
11 congregates, unless such facilities are exempt from coverage
12 under section 6.

13 Section 5. Applicability.

14 This act shall apply to facilities where the public
15 congregates which commence construction, or which undertake
16 structural alterations or renovations exceeding 50% of the
17 entire facility, on or after January 1, 1990. Implementation of
18 the provisions of this act shall be based upon contracts for
19 design or construction signed on or after the effective date of
20 the rules and regulations promulgated under this act.

21 Section 6. Exemptions.

22 This act shall not apply to the following:

23 (1) Any hotel. For purposes of this section, "hotel"
24 means an establishment in which there exists the relationship
25 of guests and innkeeper between the occupants and the owner
26 or operator of the establishment. The existence of some other
27 legal relationship between the occupants and owner or
28 operator shall be immaterial.

29 (2) Any public eating or drinking place as defined in
30 the act of May 23, 1945 (P.L.926, No.369), referred to as the

1 Public Eating and Drinking Place Law.

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

4 Section 7. Effective date.

5 This act shall take effect in 120 days.

6 Section 2. The Secretary of Labor and Industry shall
7 transmit a notice for publication in the Pennsylvania Bulletin
8 when the secretary is satisfied that all of the following have
9 been enacted:

10 (1) The addition of sections 2, 3, 3.1, 3.2, 3.6(a),
11 (b), (c), (d), (e) and (f)(1)(ii) and (iii) and (2), 4, 4.1,
12 4.2, 5, 6, 7, 8, 9, 10, 11 and 12 of the act of April 27,
13 1927 (P.L.465, No.299), referred to as the Fire and Panic
14 Act.

15 (2) The reenactment of the act of May 2, 1929 (P.L.1518,
16 No.452), referred to as the Elevator Regulation Law.

17 (3) The reenactment of the act of September 1, 1965
18 (P.L.459, No.235), entitled, as amended, "An act requiring
19 that certain buildings and facilities adhere to certain
20 principles, standards and specifications to make the same
21 accessible to and usable by persons with physical handicaps,
22 and providing for enforcement."

23 (4) The reenactment of the act of July 9, 1976 (P.L.919,
24 No.170), entitled "An act providing for the approval or
25 disapproval of applications for a permit relating to the
26 construction or maintenance of improvements to real estate."

27 (5) The reenactment of the act of December 15, 1980
28 (P.L.1203, No.222), known as the Building Energy Conservation
29 Act.

30 (6) The reenactment of the act of December 17, 1990

1 (P.L.742, No.185), entitled "An act providing for restrooms
2 in facilities where the public congregates; and requiring
3 that restroom facilities be provided for women on an
4 equitable basis."

5 (7) The reenactment of the act of December 19, 1990
6 (P.L.1387, No.214), known as the Dry Cleaning Law.

7 (8) The repeal of the act of November 10, 1999 (P.L.491,
8 No.45), known as the Pennsylvania Construction Code Act.

9 Section 3. This act shall take effect as follows:

10 (1) The following provisions shall take effect
11 immediately:

12 (i) Section 2 of this act.

13 (ii) This section.

14 (2) The remainder of this act shall take effect upon
15 publication of the notice under section 2 of this act.