

AMENDED IN SENATE APRIL 21, 2014

**SENATE BILL**

**No. 1350**

---

---

**Introduced by ~~Senator~~ *Senators Lara and Wolk***

February 21, 2014

---

---

An act to add Section ~~1714.27 to the Civil Code~~, *118502 to the Health and Safety Code*, relating to public accommodations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1350, as amended, Lara. Baby diaper changing accommodations.

*Existing law requires publicly and privately owned facilities where the public congregates to be equipped with sufficient restrooms to meet the needs of the public at peak hours.*

*Existing law establishes the California Building Standards Commission to approve and adopt building standards adopted or proposed by state agencies. Existing law establishes the Building Standards Administration Special Revolving Fund in the State Treasury and makes moneys deposited in the fund available, upon appropriation, to the commission to carry out the duties of the commission, as specified.*

*This bill would require the California Building Standards Commission to develop and adopt standards governing the installation of baby diaper changing accommodations for restroom facilities in a place of public accommodation after January 1, 2017, as specified. The bill would require the commission to require, when developing the building standards, that any place of public accommodation that installs a baby diaper changing accommodation ensures that the accommodation is equally available or provided regardless of the gender for which the restroom facilities are designed. This requirement would only apply under specified circumstances, including when there is construction of a new restroom or substantial renovation of a restroom, as specified.*

*The bill would authorize the commission, in adopting this standard, to consult with the State Architect, the State Department of Housing and Community Development, the Office of Statewide Health Planning and Development, and other interested parties. The bill would also authorize the commission to expend funds from the Building Standards Administration Special Revolving Fund, upon appropriation as specified, for the development and adoption of these standards.*

~~Existing law requires publicly and privately owned facilities where the public congregates to be equipped with sufficient restrooms to meet the need of the public at peak hours.~~

~~This bill would require any place of public accommodation that provides restroom facilities for the public and installs new, or substantially renovated facilities, as defined, to install and maintain at least one baby diaper changing accommodation that is accessible to women and one that is accessible to men, or one that is accessible to both.~~

~~A violation of this provision would be an infraction. By creating a new crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: *yes-no*.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. *It is the intent of the Legislature to ensure that*
- 2     *baby diaper changing facilities are provided equally to both men*
- 3     *and women in public restroom facilities.*
- 4     SEC. 2. *Section 118502 is added to the Health and Safety Code,*
- 5     *to read:*
- 6     118502. (a) (1) *The California Building Standards*
- 7     *Commission shall develop and adopt standards governing the*
- 8     *installation of baby diaper changing accommodations for restroom*
- 9     *facilities in a place of public accommodation in the next regularly*
- 10    *scheduled intervening code cycle after January 1, 2017. In*
- 11    *adopting this standard, the commission may consult with the State*
- 12    *Architect, the State Department of Housing and Community*

1 *Development, the Office of Statewide Health Planning and*  
2 *Development, and other interested parties.*

3 (2) *The commission may expend funds from the Building*  
4 *Standards Administration Special Revolving Fund, upon*  
5 *appropriation pursuant to Section 18931.7, for the development*  
6 *and adoption of these standards.*

7 (b) *When developing the building standards, the commission*  
8 *shall require that any place of public accommodation that installs*  
9 *a baby diaper changing accommodation ensures that the*  
10 *accommodation is equally available or provided regardless of the*  
11 *gender for which the restroom is designed. This requirement shall*  
12 *apply only under the following circumstances:*

13 (1) *When there is construction of a new restroom.*

14 (2) *When there is substantial renovation of a restroom.*

15 (3) *To the extent that it may be implemented in compliance with*  
16 *local, state, and federal laws regarding access for persons with*  
17 *disabilities and with existing fire, health, and safety standards.*

18 (c) *As used in this section, “public accommodation” is defined*  
19 *as in Section 12181(7) of Title 42 of the United States Code.*

20 (d) *As used in this section, “substantial renovation” means a*  
21 *construction or renovation project requiring a building permit*  
22 *with an estimated cost of ten thousand dollars (\$10,000) or more.*

23 (e) *This section is not enforceable by a private right of action.*

24 ~~SECTION 1. Section 1714.27 is added to the Civil Code, to~~  
25 ~~read:~~

26 ~~1714.27. (a) Any place of public accommodation that provides~~  
27 ~~restroom facilities for the public and installs new, or substantially~~  
28 ~~renovated, facilities shall install and maintain at least one baby~~  
29 ~~diaper changing accommodation that is accessible to women and~~  
30 ~~at least one baby diaper changing accommodation that is accessible~~  
31 ~~to men, or a single baby diaper changing accommodation that is~~  
32 ~~accessible to both.~~

33 ~~(b) As used in this section, “public accommodation” is defined~~  
34 ~~as in Section 12181(7) of Title 42 of the United States Code.~~

35 ~~(c) As used in this section, “substantially renovated” means a~~  
36 ~~construction or renovation project requiring a building permit and~~  
37 ~~with an estimated cost of ten thousand dollars (\$10,000) or more.~~

38 ~~(d) Installation of baby diaper changing accommodations shall~~  
39 ~~comply with local, state, and federal laws regarding access for~~

1 ~~persons with disabilities and with existing fire, health, and safety~~  
2 ~~standards.~~

3 ~~(e) A violation of this section shall be an infraction, punishable~~  
4 ~~by a fine not exceeding two hundred fifty dollars (\$250).~~

5 ~~(f) This section shall not be enforceable by a private right of~~  
6 ~~action.~~

7 ~~SEC. 2. No reimbursement is required by this act pursuant to~~  
8 ~~Section 6 of Article XIII B of the California Constitution because~~  
9 ~~the only costs that may be incurred by a local agency or school~~  
10 ~~district will be incurred because this act creates a new crime or~~  
11 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
12 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
13 ~~the Government Code, or changes the definition of a crime within~~  
14 ~~the meaning of Section 6 of Article XIII B of the California~~  
15 ~~Constitution.~~