

SENATE BILL 84

D5, L1, L3
SB 486/22 – JPR & EHE

(PRE-FILED)

3lr0530
CF HB 40

By: **Senator Kagan**

Requested: October 10, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judicial Proceedings and Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Places of Public Accommodation and Public Buildings – Gender-Inclusive**
3 **Signage**

4 FOR the purpose of requiring that single-occupancy public restrooms be marked with
5 gender-inclusive signage in certain places of public accommodation and certain
6 public buildings; providing that a county is responsible for enforcing the signage
7 requirement in places of public accommodation; authorizing a county to set certain
8 fines for second and subsequent violations; and generally relating to
9 single-occupancy public restrooms in places of public accommodation and public
10 buildings.

11 BY repealing and reenacting, with amendments,
12 Article – State Finance and Procurement
13 Section 2–801 and 2–803 to be under the amended subtitle “Subtitle 8. Public
14 Restrooms”
15 Annotated Code of Maryland
16 (2021 Replacement Volume and 2022 Supplement)

17 BY adding to
18 Article – State Finance and Procurement
19 Section 2–803
20 Annotated Code of Maryland
21 (2021 Replacement Volume and 2022 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article – State Government
24 Section 20–301
25 Annotated Code of Maryland
26 (2021 Replacement Volume and 2022 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – State Government
3 Section 20–307
4 Annotated Code of Maryland
5 (2021 Replacement Volume and 2022 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 That the Laws of Maryland read as follows:

8 **Article – State Finance and Procurement**

9 Subtitle 8. [Changing Facilities] **PUBLIC RESTROOMS.**

10 2–801.

11 (a) In this subtitle the following words have the meanings indicated.

12 (b) “Changing facility” means a table or other device suitable for changing the
13 diaper of a child under the age of 4 years and providing personal care for an adult.

14 (c) (1) “Public building” means a building, a structure, or an improved area
15 that is:

16 (i) owned by the State or a political subdivision of the State; or

17 (ii) constructed for lease by the State or a political subdivision of the
18 State.

19 (2) “Public building” includes:

20 (i) a public mass transportation accommodation, such as a terminal
21 or station, that is supported by public funds; and

22 (ii) an improvement of a public area used for gathering or
23 amusement, including a public park or recreation center.

24 (3) “Public building” does not include a facility that is primarily used to
25 provide primary or secondary education.

26 (d) “Public restroom” means a sanitary facility available to the general public that
27 contains at least one toilet or urinal.

28 **(E) “SINGLE-OCCUPANCY PUBLIC RESTROOM” MEANS A PUBLIC**
29 **RESTROOM THAT:**

30 **(1) IS FULLY ENCLOSED;**

1 **(2) MAY BE LOCKED BY THE USER; AND**

2 **(3) CONTAINS ONLY ONE TOILET.**

3 **[(e)] (F)** “Substantial renovation” means a construction or renovation project
4 with an estimated cost of \$30,000 or more.

5 **2-803.**

6 **ANY SINGLE-OCCUPANCY PUBLIC RESTROOM IN A PUBLIC BUILDING SHALL**
7 **BE MARKED WITH GENDER-INCLUSIVE SIGNAGE THAT:**

8 **(1) (I) DOES NOT INDICATE A SPECIFIC GENDER;**

9 **(II) CONTAINS DESCRIPTIVE LANGUAGE, SUCH AS THE WORDS**
10 **“RESTROOM”, “BATHROOM”, OR “TOILET”; AND**

11 **(III) CONTAINS A PICTURE OR AN ICON THAT DOES NOT SUGGEST**
12 **THAT THE RESTROOM IS AVAILABLE FOR USE ONLY BY A SPECIFIC GENDER, SUCH AS**
13 **A PICTURE OR AN ICON OF A TOILET; OR**

14 **(2) CONTAINS ONLY A PICTURE OR AN ICON THAT DOES NOT SUGGEST**
15 **THAT THE RESTROOM IS AVAILABLE FOR USE ONLY BY A SPECIFIC GENDER, SUCH AS**
16 **A PICTURE OR AN ICON OF A TOILET.**

17 **[2-803.] 2-804.**

18 (a) The Department of General Services, the University System of Maryland, and
19 the Department of Transportation are responsible for the enforcement of this subtitle in
20 the public buildings under each entity’s control if:

21 (1) any State capital nonschool funds are used; or

22 (2) construction is on State-owned land.

23 (b) The governing body of a political subdivision is responsible for the
24 enforcement of this subtitle if:

25 (1) construction is not on State-owned land;

26 (2) funds of the political subdivision are used; and

27 (3) no State funds are used, except for State funds for school construction.

1 (c) (1) An entity responsible for the enforcement of this subtitle shall report
2 the location of a changing facility to 2-1-1 Maryland, Inc., when the changing facility is
3 installed.

4 (2) 2-1-1 Maryland, Inc., shall maintain on its website a list containing all
5 the locations of the changing facilities reported under paragraph (1) of this subsection.

6 Article – State Government

7 20-301.

8 In this subtitle, “place of public accommodation” means:

9 (1) an inn, hotel, motel, or other establishment that provides lodging to
10 transient guests;

11 (2) a restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or
12 other facility principally engaged in selling food or alcoholic beverages for consumption on
13 or off the premises, including a facility located on the premises of a retail establishment or
14 gasoline station;

15 (3) a motion picture house, theater, concert hall, sports arena, stadium, or
16 other place of exhibition or entertainment;

17 (4) a retail establishment that:

18 (i) is operated by a public or private entity; and

19 (ii) offers goods, services, entertainment, recreation, or
20 transportation; or

21 (5) an establishment:

22 (i) 1. that is physically located within the premises of any other
23 establishment covered by this subtitle; or

24 2. within the premises of which any other establishment
25 covered by this subtitle is physically located; and

26 (ii) that holds itself out as serving patrons of the covered
27 establishment.

28 **20-307.**

29 (A) IN THIS SECTION, “SINGLE-OCCUPANCY PUBLIC RESTROOM” MEANS A
30 SANITARY FACILITY AVAILABLE TO THE GENERAL PUBLIC THAT:

- 1 **(1) IS FULLY ENCLOSED;**
- 2 **(2) MAY BE LOCKED BY THE USER; AND**
- 3 **(3) CONTAINS ONLY ONE TOILET.**

4 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
5 **ANY SINGLE-OCCUPANCY PUBLIC RESTROOM IN A PLACE OF PUBLIC**
6 **ACCOMMODATION SHALL BE MARKED WITH GENDER-INCLUSIVE SIGNAGE THAT:**

- 7 **(I) 1. DOES NOT INDICATE A SPECIFIC GENDER;**
- 8 **2. CONTAINS DESCRIPTIVE LANGUAGE, SUCH AS THE**
9 **WORDS “RESTROOM”, “BATHROOM”, OR “TOILET”; AND**
- 10 **3. CONTAINS A PICTURE OR AN ICON THAT DOES NOT**
11 **SUGGEST THAT THE RESTROOM IS AVAILABLE FOR USE ONLY BY A SPECIFIC**
12 **GENDER, SUCH AS A PICTURE OR AN ICON OF A TOILET; OR**

13 **(II) CONTAINS ONLY A PICTURE OR AN ICON THAT DOES NOT**
14 **SUGGEST THAT THE RESTROOM IS AVAILABLE FOR USE ONLY BY A SPECIFIC**
15 **GENDER, SUCH AS A PICTURE OR AN ICON OF A TOILET.**

16 **(2) A PLACE OF PUBLIC ACCOMMODATION THAT, BEFORE OCTOBER**
17 **1, 2023, MARKED A SINGLE-OCCUPANCY PUBLIC RESTROOM WITH SIGNAGE THAT**
18 **IDENTIFIES THE RESTROOM AS GENDER-INCLUSIVE BUT DOES NOT OTHERWISE**
19 **COMPLY WITH THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION MAY**
20 **CONTINUE TO USE THAT SIGNAGE FOR THE PUBLIC RESTROOM.**

21 **(C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, A COUNTY**
22 **SHALL BE RESPONSIBLE FOR ENFORCING SUBSECTION (B) OF THIS SECTION FOR**
23 **EACH PLACE OF PUBLIC ACCOMMODATION WITHIN ITS JURISDICTION.**

24 **(D) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION,**
25 **EACH COUNTY MAY SET A CIVIL FINE OR SERIES OF CIVIL FINES TO BE ISSUED TO A**
26 **PLACE OF PUBLIC ACCOMMODATION THAT VIOLATES SUBSECTION (B) OF THIS**
27 **SECTION.**

28 **(2) IN SETTING FINES UNDER THIS SUBSECTION, A COUNTY MAY NOT**
29 **SET A FINE THAT EXCEEDS:**

- 30 **(I) FOR A FIRST VIOLATION, A WARNING;**

1 **(II) FOR A SECOND VIOLATION, A FINE OF \$100; AND**

2 **(III) FOR A SUBSEQUENT VIOLATION, A FINE OF \$250.**

3 **(3) A COUNTY MAY NOT IMPOSE A FINE UNDER THIS SUBSECTION ON**
4 **A PLACE OF PUBLIC ACCOMMODATION UNTIL AT LEAST 30 DAYS AFTER THE**
5 **ISSUANCE OF A WARNING TO THE PLACE OF PUBLIC ACCOMMODATION.**

6 **(4) REVENUE COLLECTED UNDER THIS SUBSECTION MAY BE USED**
7 **ONLY FOR THE ENFORCEMENT OF THIS SECTION AND ANY ASSOCIATED**
8 **ADMINISTRATIVE COSTS.**

9 **(5) A CRIMINAL PENALTY MAY NOT BE IMPOSED ON A PLACE OF**
10 **PUBLIC ACCOMMODATION FOR A VIOLATION OF SUBSECTION (B) OF THIS SECTION.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That a county may not enforce the
12 provisions governing single-occupancy restrooms in places of public accommodation,
13 established under Section 1 of this Act, until 30 days after the enactment of this Act.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2023.