

SENATE, No. 1325

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED FEBRUARY 8, 2010

Sponsored by:

Senator ANDREW R. CIESLA

District 10 (Monmouth and Ocean)

SYNOPSIS

Requires certain public restrooms to be equipped with baby-changing stations.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning public restrooms and supplementing Title 26 of
2 the Revised Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. No later than one year after the effective date of this act,
8 and as prescribed by regulation of the Commissioner of Health and
9 Senior Services, any place of public accommodation within the
10 State that maintains public restrooms shall include a counter or
11 table that is designed as a baby diaper-changing station in at least
12 one of its public restrooms for men and for women, respectively. If
13 the place of public accommodation is approved for a maximum
14 occupancy that exceeds 500 people, it shall be required to include
15 additional baby-changing stations in proportion to the number of
16 bathroom stalls or urinals, as determined by the commissioner.

17 b. As used in this section, "place of public accommodation"
18 means any of the following, whether publicly or privately owned or
19 operated on a for-profit or nonprofit basis, and which are generally
20 accessible to the public: a commercial or other office building, or
21 an office or building owned, leased or rented by the State or by a
22 county or municipal government; restaurant; public library;
23 museum or art gallery; theater or concert hall; stadium or other
24 facility used for the holding of sporting events; shopping mall or
25 retail store; health care facility licensed pursuant to P.L.1971, c.136
26 (C.26:2H-1 et seq.); park or playground; or public transportation
27 facility. A "place of public accommodation" shall not include any
28 premises to which a child under three years of age is not permitted
29 or authorized to have access.

30 c. The owner or operator of a place of public accommodation
31 may apply to the commissioner, on a form and in a manner
32 prescribed by the commissioner, for a waiver from the requirements
33 of subsection a. of this section on the grounds that compliance with
34 those requirements would constitute a significant financial or other
35 hardship to the owner or operator in the operation of that place of
36 public accommodation.

37 d. The owner or operator of a place of public accommodation
38 who violates the provisions of this act shall be guilty of a petty
39 disorderly persons offense and shall be fined not more than \$500 for
40 each violation.

41 e. The Department of Health and Senior Services or the local
42 board of health or the board, body or officers exercising the
43 functions of the local board of health according to law, upon written
44 complaint or having reason to suspect that a place of public
45 accommodation is or may be in violation of the provisions of this
46 act, shall, by written notification, advise the person having control
47 of the place of public accommodation accordingly and order
48 appropriate action to be taken.

1 f. A penalty recovered under the provisions of this act shall be
2 recovered by and in the name of the Commissioner of Health and
3 Senior Services or by and in the name of the local board of health.
4 When the plaintiff is the Commissioner of Health and Senior
5 Services, the penalty recovered shall be paid by the commissioner
6 into the treasury of the State. When the plaintiff is a local board of
7 health, the penalty recovered shall be paid by the local board into
8 the treasury of the municipality where the violation occurred.

9 g. A municipal court shall have jurisdiction over proceedings
10 to enforce and collect any penalty imposed because of a violation of
11 this act if the violation has occurred within the territorial
12 jurisdiction of the court. The proceedings shall be summary and in
13 accordance with the "Penalty Enforcement Law of 1999," P.L.1999,
14 c.274 (C.2A:58-10 et seq.). Process shall be in the nature of a
15 summons or warrant and shall issue only at the suit of the
16 Commissioner of Health and Senior Services, or the local board of
17 health, as the case may be, as plaintiff.

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19 2. The Commissioner of Health and Senior Services, pursuant
20 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
21 1 et seq.), shall adopt rules and regulations to effectuate the
22 purposes of this act.

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24 3. This act shall take effect on the 180th day after enactment,
25 but the Commissioner of Health and Senior Services may take such
26 anticipatory administrative action in advance thereof as shall be
27 necessary for the implementation of the act.

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STATEMENT

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32 The purpose of this bill is to require that places of public
33 accommodation in New Jersey provide changing tables or counters
34 for babies in public restrooms.

35 The bill provides specifically as follows:

- 36 • No later than one year after the its effective date, and as
37 prescribed by regulation of the Commissioner of Health and
38 Senior Services, any place of public accommodation within the
39 State that maintains public restrooms must include a counter or
40 table that is designed as a baby diaper-changing station in at least
41 one of its public restrooms for men and for women, respectively.
- 42 • If the place of public accommodation is approved for a maximum
43 occupancy that exceeds 500 people, it will be required to include
44 additional baby-changing stations in proportion to the number of
45 bathroom stalls or urinals, as determined by the commissioner.
- 46 • The bill defines "place of public accommodation" to mean any of
47 the following, whether publicly or privately owned or operated on
48 a for-profit or nonprofit basis, and which are generally accessible

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- 1 to the public: a commercial or other office building, or an office
2 or building owned, leased or rented by the State or by a county or
3 municipal government; restaurant; public library; museum or art
4 gallery; theater or concert hall; stadium or other facility used for
5 the holding of sporting events; shopping mall or retail store;
6 health care facility licensed pursuant to P.L.1971, c.136
7 (C.26:2H-1 et seq.); park or playground; or public transportation
8 facility.
- 9 • For the purposes of this bill, a “place of public accommodation”
10 is not to include any premises to which a child under three years
11 of age is not permitted or authorized to have access.
 - 12 • The owner or operator of a place of public accommodation may
13 apply to the commissioner, on a form and in a manner prescribed
14 by the commissioner, for a waiver from the requirements of the
15 bill on the grounds that compliance with those requirements
16 would constitute a significant financial or other hardship to the
17 owner or operator in the operation of that place of public
18 accommodation.
 - 19 • The owner or operator of a place of public accommodation who
20 violates the provisions of the bill will be guilty of a petty
21 disorderly persons offense and be fined not more than \$500 for
22 each violation.
 - 23 • The Department of Health and Senior Services or the local board
24 of health or the board, body or officers exercising the functions of
25 the local board of health according to law, upon written complaint
26 or having reason to suspect that a place of public accommodation
27 is or may be in violation of the provisions of the bill, will, by
28 written notification, advise the person having control of the place
29 of public accommodation accordingly and order appropriate
30 action to be taken.
 - 31 • A penalty recovered under the provisions of the bill will be
32 recovered by and in the name of the Commissioner of Health and
33 Senior Services or by and in the name of the local board of
34 health. When the plaintiff is the Commissioner of Health and
35 Senior Services, the penalty recovered is to be paid by the
36 commissioner into the treasury of the State. When the plaintiff is
37 a local board of health, the penalty recovered is to be paid by the
38 local board into the treasury of the municipality where the
39 violation occurred.
 - 40 • A municipal court is to have jurisdiction over proceedings to
41 enforce and collect any penalty imposed because of a violation of
42 this act if the violation has occurred within the territorial
43 jurisdiction of the court. The proceedings will be summary and in
44 accordance with the "Penalty Enforcement Law of 1999."
 - 45 • The bill takes effect on the 180th day after enactment, but
46 authorizes the Commissioner of Health and Senior Services to
47 take anticipatory administrative action in advance thereof as
48 necessary for its implementation.