

ASSEMBLY, No. 3383

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 15, 2018

Sponsored by:

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Co-Sponsored by:

Assemblywomen Timberlake and Downey

SYNOPSIS

Requires installation of baby-changing stations in certain public restrooms.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/18/2019)

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

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. As used in this section:

8 “Place of public accommodation” means any of the following,
9 whether publicly or privately owned or operated on a for-profit or
10 nonprofit basis, and which are generally accessible to the public
11 with a maximum occupancy of more than 25 people: a commercial
12 or other office building; an office or building owned, leased, or
13 rented by the State or by a political subdivision of the State;
14 restaurant; public library; museum or art gallery; theater or concert
15 hall; stadium or other facility used for the holding of sporting
16 events; shopping mall or retail store; health care facility licensed
17 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.); park or
18 playground; or public transportation facility. A “place of public
19 accommodation” shall not include any premises to which a child
20 under three years of age is not permitted or authorized to have
21 access.

22 “Substantial renovation” means a construction or renovation
23 project requiring a building permit and where the value of the
24 renovation to the restroom exceeds \$5,000.

25 b. Any place of public accommodation that maintains public
26 restrooms shall include a counter or table that is designed as a baby
27 diaper-changing station in at least one of its public restrooms for
28 men and for women, respectively, or in a dedicated unisex family
29 restroom. The requirement shall apply only under the following
30 circumstances:

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

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

33 c. No later than 60 days after the effective date of
34 P.L. , c. (C.) (pending before the Legislature as this bill),
35 any place of public accommodation that maintains women's
36 restrooms equipped with a baby diaper-changing station shall
37 maintain an equal number of men's restrooms equipped with a baby
38 diaper-changing station.

39 d. The owner or operator of a place of public accommodation
40 who violates the provisions of this section shall be guilty of a petty
41 disorderly persons offense and shall be fined not more than \$500 for
42 each violation. A municipal court shall have jurisdiction over
43 proceedings to enforce and collect any penalty imposed because of
44 a violation of this section if the violation has occurred within the
45 territorial jurisdiction of the court. The proceedings shall be
46 summary and in accordance with the "Penalty Enforcement Law of
47 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). Process shall be in
48 the nature of a summons or warrant and shall issue only at the suit

1 of the Commissioner of Health, or the local board of health, as the
2 case may be, as plaintiff.

3 e. The Department of Health or the local board of health or the
4 board, body, or officers exercising the functions of the local board
5 of health according to law, upon written complaint or having reason
6 to suspect that a place of public accommodation is or may be in
7 violation of the provisions of this section, shall, by written
8 notification, advise the person having control of the place of public
9 accommodation accordingly and order appropriate action to be
10 taken.

11 f. A penalty recovered under the provisions of this section
12 shall be recovered by and in the name of the Commissioner of
13 Health or by and in the name of the local board of health. When the
14 plaintiff is the Commissioner of Health, the commissioner shall pay
15 the penalty recovered into the treasury of the State. When the
16 plaintiff is a local board of health, the local board shall pay the
17 penalty recovered into the treasury of the municipality where the
18 violation occurred.

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

24
25 3. This act shall take effect on the first day of the seventh
26 month next following enactment, but the Commissioner of Health
27 may take such anticipatory administrative action in advance thereof
28 as shall be necessary for the implementation of the act.

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31 STATEMENT

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33 This bill would require baby diaper-changing stations in any
34 newly constructed men or women's public restroom maintained in
35 places of public accommodation within the State. It would also
36 require any place of public accommodation to install changing
37 stations during renovations to existing restrooms, costing \$5,000 or
38 more. The bill would further require the owner or operator of a
39 place of public accommodation to install a changing station in the
40 men's restrooms if one is already included in the women's
41 restrooms. The bill applies to places of public accommodation with
42 a maximum occupancy level greater than 25 people and places that
43 permit children over three years-old to access. Failure to comply
44 with the provisions of this bill constitutes a petty disorderly persons
45 offense with a maximum fine of \$500. Under this bill, the
46 Department of Health and local boards of health have the authority
47 to commence proceedings in municipal court to enforce the
48 provisions of this bill.

1 This bill will ensure that parents of small children have greater
2 access to changing tables in public restrooms. As the typical
3 structure of families within this State evolves, men are becoming
4 more involved in the care of young children. According to a recent
5 government study about 90 percent of fathers who live with their
6 children report that they bathe, diaper, or dress their children
7 everyday or several days a week. The study further noted that
8 fathers are more involved in their children's lives than in previous
9 generations. No current State law requires places of public
10 accommodation to equip public restrooms with changing stations,
11 and the ones that do so voluntarily tend to only offer the
12 accommodation in women's restrooms. This bill will correct that
13 imbalance and provide greater access to changing stations for both
14 men and women.