

ASSEMBLY, No. 857

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman NICHOLAS CHIARAVALLOTI

District 31 (Hudson)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Co-Sponsored by:

Assemblywoman Timberlake

SYNOPSIS

Requires installation of diaper changing station in certain public restrooms; appropriates \$500,000.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning diaper changing stations, supplementing
2 P.L.1975, c.217 (C.52:27D-119 et seq.), and making an
3 appropriation.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. a. On each floor level of a group A or M occupancy that is
9 open to the public and maintains a public restroom, the owner shall
10 include a counter or table that is designed as a baby diaper changing
11 station in at least one of its public restrooms for men and for
12 women, respectively, or in a dedicated unisex family restroom, and
13 shall post signage to direct visitors to baby diaper changing station-
14 equipped restrooms. The requirement shall apply only under the
15 following circumstances:

16 (1) when there is construction of a new restroom; or

17 (2) when there is substantial renovation of an existing restroom.

18 b. The owner or operator of a group A or M occupancy who
19 violates the provisions of this section shall be liable for a penalty of
20 not more than \$500 for each violation to be collected in a summary
21 proceeding pursuant to the "Penalty Enforcement Law of 1999,"
22 P.L.1999, c.274 (C.2A:58-10 et seq.). The municipal court and the
23 Superior Court shall have jurisdiction of proceedings for the
24 enforcement of the penalties provided by this subsection.

25 c. The Department of Community Affairs or the local
26 construction code official, as applicable, upon written complaint or
27 having reason to suspect that a group A or M occupancy is or may
28 be in violation of the provisions of this section, shall, by written
29 notification, advise the person having control of the group A or M
30 occupancy accordingly and order appropriate action to be taken.

31 d. (1) No later than the first day of the 37th month next
32 following enactment of P.L. , c. (C.) (pending before the
33 Legislature as this bill), in any group A or M occupancy that is also
34 a public building, the owner shall maintain a baby diaper changing
35 station in at least one of its public restrooms for men and for
36 women, respectively, or in a dedicated unisex family restroom, on
37 each floor level that is open to the public, and shall post signage to
38 direct visitors to baby diaper changing station-equipped restrooms.

39 (2) If the public building is a school offering education in grades
40 K-12, or any combination thereof, then the board of education is
41 only required to install one baby diaper changing station in one of
42 its public restrooms for men and for women, respectively per
43 campus, or in one dedicated unisex family restroom per campus
44 within the deadline established pursuant to paragraph (1) of this
45 subsection.

46 (3) A county, municipality, or board of education, or agency or
47 instrumentality thereof, may apply to the Commissioner of

1 Community Affairs for a reimbursement of the expense of a diaper
2 changing table installation.

3 e. The Commissioner of Community Affairs shall promulgate
4 rules and regulations pursuant to the “Administrative Procedure
5 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) in order to effectuate the
6 purposes of this section. The rules and regulations shall include,
7 but not be limited to, standards for the placement of a baby diaper
8 changing station, standards for the placement and appearance of the
9 required signage, and the frequency and criteria of public access
10 that shall cause a space to be designated as open to the public.

11 f. As used in this section:

12 “Group A or M occupancy” means an Assembly Group A
13 occupancy or a Mercantile Group M occupancy, as defined in
14 chapter 3 of the 2015 New Jersey International Building Code or its
15 successor, with the exception of a casino, nightclub, tavern, or bar.

16 “Public building” means a group A or M occupancy owned by
17 any entity of State or local government, including but not limited to
18 a board of education, public institution of higher education, or an
19 agency or instrumentality of county or municipal government.

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

23

24 2. There is appropriated from the general fund to the
25 Department of Community Affairs the sum of \$500,000 to
26 effectuate the purposes of subsection d. of section 1 of this act.
27 Any moneys not expended for these purposes before the expiration
28 of a period ending one year after the effective date of this act shall
29 be returned to the General Fund.

30

31 3. This act shall take effect on the first day of the seventh
32 month next following enactment, but the Commissioner of
33 Community Affairs may take such anticipatory administrative
34 action in advance thereof as shall be necessary for the
35 implementation of the act.

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STATEMENT

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40 This bill would require baby diaper changing stations in any
41 newly constructed men or women's public restroom maintained on
42 any publicly-accessible floor of a group A or M occupancy within
43 the State. It would also require any group A or M occupancy to
44 install changing stations during renovations to existing restrooms,
45 costing \$5,000 or more. The bill would further require the owner or
46 operator of a group A or M occupancy to post signage to direct
47 visitors to baby diaper changing station-equipped restrooms, when
48 newly-constructed or renovated.

1 Additionally, the bill would require public buildings, that contain
2 group A or M occupancies, to install baby diaper changing tables in
3 each accessible floor of each group A or M occupancy on or before
4 the first day of the 37th month following enactment. If, however,
5 the public building is a K-12 school, the bill would only require one
6 changing table accessible to men and women per campus within the
7 37-month deadline. A county, municipality, or board of education
8 would be permitted to apply to the Department of Community
9 Affairs for a reimbursement of the expense of installation. The bill
10 appropriates \$500,000 from the general fund to address this
11 expense. Failure to comply with the provisions of this bill would
12 result in liability for a penalty of not more than \$500 for each
13 violation.

14 Under the bill, “group A or M occupancy” means an Assembly
15 Group A occupancy or a Mercantile Group M occupancy, as
16 defined in chapter 3 of the 2015 New Jersey International Building
17 Code. More specifically, the terms encompass the following:

18 (1) assembly group A occupancies, subject to applicable spatial
19 and occupant limits, including but not limited to theaters, banquet
20 halls and restaurants, amusement arcades, art galleries, bowling
21 allies, community halls, courtrooms, dance halls, libraries, places of
22 religious worship, waiting areas in transportation terminals,
23 bleachers and grandstands, and arenas and stadiums; and

24 (2) a mercantile group M occupancy, including but not limited
25 to a department store, drug store, market, motor-fuel dispensing
26 facility, retail or wholesale store, or sales room.

27 Under the bill, casinos, nightclubs, taverns and bars are excluded
28 from the “group A or M occupancy” definition, because small
29 children are rarely present at those types of establishments.

30 This bill will ensure that parents of small children have greater
31 access to changing tables in public restrooms. As the typical
32 structure of families within this State evolves, men are becoming
33 more involved in the care of young children. According to a recent
34 government study, about 90 percent of fathers who live with their
35 children report that they bathe, diaper, or dress their children
36 everyday or several days a week. The study further noted that
37 fathers are more involved in their children's lives than in previous
38 generations. No current State law requires group A or M
39 occupancies to equip public restrooms with changing stations, and
40 the ones that do so voluntarily tend to only offer the
41 accommodation in women's restrooms. This bill will correct that
42 imbalance and provide greater access to changing stations for both
43 men and women.