

Bill as Introduced

HB 520 - AS AMENDED BY THE HOUSE

19Mar2019... 0952h

2019 SESSION

19-0255

01/10

HOUSE BILL **520**

AN ACT relative to availability of diaper changing stations in public restrooms.

SPONSORS: Rep. Fenton, Ches. 8; Rep. Gourgue, Straf. 25; Rep. Conley, Straf. 13; Rep. Von Plinsky, Ches. 7; Rep. Kanzler, Carr. 2; Rep. Read, Rock. 17; Rep. Altschiller, Rock. 19; Rep. Josephson, Graf. 11; Rep. Frost, Straf. 16; Rep. Wilhelm, Hills. 42; Sen. Rosenwald, Dist 13; Sen. Kahn, Dist 10; Sen. Feltes, Dist 15

COMMITTEE: Commerce and Consumer Affairs

AMENDED ANALYSIS

This bill requires certain places of public accommodation to install and maintain at least one diaper changing station that is accessible to all genders when the facility is open to the public. The bill includes a contingent repeal of the statutory requirement if the building code review board includes the requirement in the state building code.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to availability of diaper changing stations in public restrooms.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Places of Public Accommodation; Diaper Changing Station Required. Amend
2 RSA 155 by inserting after section 39-d the following new section:

3 155:39-e Public Accommodations Constructed After January 1, 2021; Diaper Changing
4 Stations.

5 I. This section applies to any new building or facility proposed to be constructed specifically
6 as a place of public accommodation on or after January 1, 2021. This section also applies to any
7 single renovation of an existing building or facility which is proposed to be constructed on or after
8 January 1, 2021, if the cost of such renovation exceeds \$50,000.

9 II. A person, private firm, organization, or corporation that owns or manages a commercial
10 place of public accommodation subject to this section shall install and maintain at least one diaper
11 changing station that is accessible to all genders when the facility is open to the public.

12 III. A facility shall ensure that the entrance to each diaper changing station has
13 conspicuous signage indicating the location of the station, and, if the facility has a central directory,
14 shall ensure that the central directory indicates the location of the diaper changing station.

15 IV. For purposes of this section "diaper changing station" means a table or other device
16 suitable for changing the diaper of a child 3 years of age or younger.

17 V. This section shall also be enforced by the building inspector as provided in RSA 676:11-
18 13.

19 2 Repeal. RSA 155:39-e, relative to diaper changing stations in places of public accommodation,
20 is repealed.

21 3 Contingency. Section 2 of this act shall take effect on the date that the chairperson of the
22 building code review board certifies to the director of the office of legislative services that, pursuant
23 to RSA 155-A:10, V, the state building code review board has adopted, and the legislature has
24 ratified, a rule to amend the state building code that incorporates the requirements of RSA 155:39-e.
25 If the board does not adopt such a rule, or such a rule is not ratified by the legislature, section 2 of
26 this act shall not take effect.

27 4 Effective Date.

28 I. Section 2 of this act shall take effect as provided in section 3 of this act.

29 II. The remainder of this act shall take effect 60 days after its passage.

Committee Minutes

SENATE CALENDAR NOTICE
Executive Departments and Administration

Sen Sharon Carson, Chair
 Sen Kevin Cavanaugh, Vice Chair
 Sen Cindy Rosenwald, Member
 Sen Shannon Chandley, Member
 Sen John Reagan, Member

Date: April 2, 2019

HEARINGS

	Wednesday	04/10/2019
	(Day)	(Date)
Executive Departments and Administration	LOB 101	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	HB 110-FN-A relative to the cost of fiscal analysis of legislation relating to the retirement system.	
9:15 a.m.	HB 468-FN-LOCAL relative to the inclusion of attendance stipends as earnable compensation in the retirement system.	
9:30 a.m.	HB 224-FN making emergency medical technicians and rescue squad members eligible for a death benefit if killed in the line of duty.	
9:45 a.m.	HB 730-FN-A relative to funding for the CART program.	
10:00 a.m.	HB 628-FN relative to universal changing stations in certain places of public accommodation.	
10:15 a.m.	HB 520 relative to availability of diaper changing stations in public restrooms.	
10:30 a.m.	HB 572 proclaiming the second Saturday in June as Pollyanna of Littleton New Hampshire Recognition Day.	

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 110-FN-A

Rep. Rogers

HB 468-FN-LOCAL

Rep. P. Schmidt

HB 224-FN

Rep. Proulx

HB 730-FN-A

Rep. Porter

HB 628-FN

Rep. Le

HB 520

Rep. Fenton

Rep. Kanzler

Rep. Frost

Sen. Feltes

Rep. McBeath

Rep. Gourgue

Rep. Read

Rep. Wilhelm

Rep. Chase

Rep. Conley

Rep. Altschiller

Sen. Rosenwald

Rep. Berch

Rep. Von Plinsky

Rep. Josephson

Sen. Kahn

HB 572

Rep. Massimilla

Rep. Hennessey

Jennifer Horgan 271-2609

Sharon M Carson
Chairman

**Senate Executive Departments and Administration
Committee**

Jennifer Horgan 271-2609

HB 520, relative to availability of diaper changing stations in public restrooms.

Hearing Date: April 10, 2019

Time Opened: 10:30 a.m.

Time Closed: 10:39 a.m.

Members of the Committee Present: Senators Carson, Cavanaugh, Rosenwald, Chandley and Reagan

Members of the Committee Absent : None

Bill Analysis: This bill requires certain places of public accommodation to install and maintain at least one diaper changing station that is accessible to all genders when the facility is open to the public. The bill includes a contingent repeal of the statutory requirement if the building code review board includes the requirement in the state building code.

Sponsors:

Rep. Fenton

Rep. Gourgue

Rep. Conley

Rep. Von Plinsky

Rep. Kanzler

Rep. Read

Rep. Altschiller

Rep. Josephson

Rep. Frost

Rep. Wilhelm

Sen. Rosenwald

Sen. Kahn

Sen. Feltes

Who supports the bill: Representative Fenton; Senator Rosenwald; Senator Kahn; Representative Read; Representative Chase; Jeanne Torpey; Lucy Cruchton; Melissa Hinebauch; Bennis Deborah Jakubowski; Deborah Bruss; Deodonne Dustin Bhatteirai; Deborah Jakubowski; Susan Couteau; Sarah E Souliene; Rachel Chubb; Olivia Noni; Emily G Galeva

Who opposes the bill: Henry Veilleux, NH Lodging and Restaurant Association

Who is neutral on the bill: William McKinney, NH Building Officials

Summary of testimony presented in support:

Representative Fenton

- This is a basic needs bill.
- In 2016 the Bathrooms Accessible in Every Situation (BABIES) Act was passed requiring that all federal buildings have baby changing stations in men's and women's restrooms.

- New York has recently passed a similar law requiring new buildings to have equal access to changing stations.
- This bill requires one diaper changing station to be used by any gender in certain public accommodations.
- This will not hamper the existing building code because they are currently going through the amending process.
- This will be for buildings being built starting in 2021 and those buildings undergoing a \$50,000+ renovation.
- If the Building Code Review Board adopts the amendment to the building code, then this statute will be repealed.
- There is a question as to whether or not the amendment will be adopted to the building code, so this bill will ensure it is law either way.
- A diaper changing station costs \$130 on Amazon and takes about 20 minutes to install.
- Female only stations may have made sense 60 years ago, but they do not anymore.
- No mom or dad should have to worry about finding a safe and sanitary place to change their child.

Summary of testimony presented in opposition:

Henry Veilleux (NH Lodging and Restaurant Association)

- Does not have an issue with the policy or the goal of this legislation.
- Does have an issue with the process.
- Typically, changes to the building code go first before the Building Code Review Board to ensure they do not conflict with other codes.
- There are space requirements in bathrooms for accessibility.
- This bill side steps that process and puts it directly into statute.
- The House put in a contingency aspect to repeal this if the Building Code Review Board adopts it.
- Asks the Committee re-refers this bill instead and use the bill as pressure on the Building Code Review Board.
- If the Board does not address this issue, then the bill can be moved forward in January.
- This makes sense because the bill does not affect buildings until 2021.

Neutral Information Presented:

William McKinney (NH Building Officials Association)

- Concerned this bill is side stepping the Building Code Review Board.
- Believes amendments to the building code should go through the Building Code Review Board to ensure they do not conflict with other code requirements.
- Feels that putting a dollar value on the renovation requirement is not appropriate.
- Would suggest using 'aggregate area' which is what is currently used in the building code. That states that if someone is doing a certain amount of square footage of a building than that is when this would come into play.

- This bill addresses existing buildings and putting in permanent structures or stationary tables raises concerns about accessibility, egress, and added costs for renovations.
- Senator Rosenwald asked when the Building Code Review Board will take this up.
 - Representative Fenton submitted his amendment to the Board and it will be introduced this Friday. It will be taken up in the main public hearing of the Board. Typically, they will make the decision at the public hearing and then it would be forwarded on to the legislative body.
- Senator Carson asked if they will have an answer next month
 - Yes.
- Senator Carson asked for information regarding their decision before June 6th.
 - Will do.

jch

Date Hearing Report completed: April 12, 2019

Speakers

Senate Executive Departments & Administration Committee

SIGN-IN SHEET

Date: 04/10/2019 Time: 10:15 a.m.

HB 520

AN ACT relative to availability of diaper changing stations in public restrooms.

Name/Representing (please print neatly)

Name/Representing	Support	Oppose	Speaking?	Yes	No
Sen Cindy Rosenwald SD #13	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jeanne Torpey Concord self	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lucy Cuckton Concord "	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Senator Jay Kahn SD #10	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Melissa Hinebaugh Concord Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Dennis Jakubowski SELF	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Deborah Brass	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
William McKinney NH Building officials	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deidonné Dustin Bhattarai	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Henry Veilleux	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Doreen Fenton	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deborah Jakubowski	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
SUSAN CORTEZ CONTOCOCK SELF	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep Ellen Read Rock 17	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sarah E. Souliere	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rachel Chubb	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Olivia Noni	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Emily G Galeva	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Voting Sheets

Senate Executive Departments and Administration Committee EXECUTIVE SESSION

Bill # HB 520

Hearing date: _____

Executive session date: _____

Motion of: Re-refer

VOTE: SO

Made by	Carson <input type="checkbox"/>	Seconded	Carson <input type="checkbox"/>	Reported	Carson <input type="checkbox"/>
Senator:	Cavanaugh <input type="checkbox"/>	by Senator:	Cavanaugh <input checked="" type="checkbox"/>	by Senator:	Cavanaugh <input type="checkbox"/>
	Chandley <input type="checkbox"/>		Chandley <input type="checkbox"/>		Chandley <input type="checkbox"/>
	Reagan <input checked="" type="checkbox"/>		Reagan <input type="checkbox"/>		Reagan <input type="checkbox"/>
	Rosenwald <input type="checkbox"/>		Rosenwald <input type="checkbox"/>		Rosenwald <input type="checkbox"/>

Motion of: consent

VOTE: SO

Made by	Carson <input type="checkbox"/>	Seconded	Carson <input type="checkbox"/>	Reported	Carson <input type="checkbox"/>
Senator:	Cavanaugh <input type="checkbox"/>	by Senator:	Cavanaugh <input type="checkbox"/>	by Senator:	Cavanaugh <input type="checkbox"/>
	Chandley <input type="checkbox"/>		Chandley <input checked="" type="checkbox"/>		Chandley <input type="checkbox"/>
	Reagan <input checked="" type="checkbox"/>		Reagan <input type="checkbox"/>		Reagan <input type="checkbox"/>
	Rosenwald <input type="checkbox"/>		Rosenwald <input type="checkbox"/>		Rosenwald <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Carson, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Cavanaugh, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Chandley	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Reagan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Rosenwald	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Amendments: _____

Notes: _____

**Senate Executive Departments and
Administration Committee**
EXECUTIVE SESSION RECORD
2019-2020 Session

Bill # **HB 520**

Hearing date: 4/10/19

Executive Session date: 12/17/19

Motion of: DTL Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Chandley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Rosenwald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Chandley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Rosenwald	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Chandley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Rosenwald	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Carson

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Thursday, May 2, 2019

THE COMMITTEE ON Executive Departments and Administration

to which was referred **HB 520**

AN ACT

relative to availability of diaper changing stations
in public restrooms.

Having considered the same, the committee recommends that the Bill

BE RE-REFERRED TO COMMITTEE

BY A VOTE OF: 5-0

Senator Sharon Carson
For the Committee

This bill would require certain places of public accommodation to install and maintain at least one diaper changing station that is accessible to all genders when the facility is open to the public. The State Building Code Review Board will be taking this matter up at an upcoming meeting and therefore, the Committee recommends re-referring the bill to allow them the opportunity to address this issue.

Jennifer Horgan 271-2609

FOR THE CONSENT CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 520, relative to availability of diaper changing stations in public restrooms.

Re-refer to Committee, Vote 5-0.

Senator Sharon Carson for the committee.

This bill would require certain places of public accommodation to install and maintain at least one diaper changing station that is accessible to all genders when the facility is open to the public. The State Building Code Review Board will be taking this matter up at an upcoming meeting and therefore, the Committee recommends re-referring the bill to allow them the opportunity to address this issue.

General Court of New Hampshire - Bill Status System

Docket of HB520

Docket Abbreviations

Bill Title: relative to availability of diaper changing stations in public restrooms.*Official Docket of HB520.:*

Date	Body	Description
1/15/2019	H	Introduced 01/03/2019 and referred to Commerce and Consumer Affairs HJ 3 P. 18
2/6/2019	H	Public Hearing: 03/06/2019 10:30 am LOB 302
3/6/2019	H	Subcommittee Work Session: 03/08/2019 09:00 am LOB 302-304
2/28/2019	H	Executive Session: 03/08/2019 01:30 pm LOB 302-304
3/14/2019	H	Majority Committee Report: Ought to Pass with Amendment #2019-0952h for 03/19/2019 (Vote 12-8; RC) HC 16 P. 19
3/14/2019	H	Minority Committee Report: Inexpedient to Legislate
3/19/2019	H	Amendment #2019-0952h : AA DV 196-139 03/19/2019
3/19/2019	H	Ought to Pass with Amendment 2019-0952h: MA RC 206-142 03/19/2019
4/1/2019	S	Introduced 03/28/2019 and Referred to Executive Departments and Administration; SJ 12
4/2/2019	S	Hearing: 04/10/2019, Room 101, LOB, 10:15 am; SC 17
5/2/2019	S	Committee Report: Rereferred to Committee, 05/15/2019; Vote 5-0; CC; SC 22
5/15/2019	S	Rereferred to Committee, MA, VV; 05/15/2019; SJ 16
12/17/2019	S	Committee Report: Inexpedient to Legislate, 01/08/2020; SC 47
1/8/2020	S	Sen. Kahn Moved Laid on Table, MA, VV; 01/08/2020; SJ 1
1/8/2020	S	Pending Motion Inexpedient to Legislate; 01/08/2020; SJ 1

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 520

Senate Committee: ED+A

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate ___ as amended by the house

___ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Cameron M. Zapine
Committee Aide

7/19/2020
Date

Senate Clerk's Office _____