

SENATE BILL REPORT

SB 5156

As Reported by Senate Committee On:
Labor & Commerce, February 14, 2019

Title: An act relating to diaper changing stations.

Brief Description: Concerning diaper changing stations at restaurants.

Sponsors: Senators Hunt, Kuderer, Wellman and Saldaña.

Brief History:

Committee Activity: Labor & Commerce: 2/14/19, 2/14/19 [DP, w/oRec].

Brief Summary of Bill

- Requires certain restaurants to install and maintain diaper changing stations and prescribes civil penalties for violations.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass.

Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Saldaña, Walsh and Wellman.

Minority Report: That it be referred without recommendation.

Signed by Senator Braun.

Staff: Jarrett Sacks (786-7448)

Background: In 2016, Congress passed the BABIES Act, requiring diaper changing stations in the restrooms of every publicly-accessible federal building. Washington has no specific laws related to diaper changing stations. With the exception of federal buildings located in the state, no other business or public building is required to provide diaper changing facilities.

Local county health departments inspect restaurants and other retail food service to make sure that employees follow safe food handling practices and have adequate kitchen facilities.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: A restaurant with an occupancy of at least 60 persons that offers a children's menu must install and maintain:

- at least one diaper changing station that is accessible to women and one diaper changing station that is accessible to men; or
- one diaper changing station that is accessible to both men and women.

For a first violation of the diaper changing station requirements, the city or county attorney must issue a warning letter. Any subsequent violation is a class 2 civil infraction. The maximum penalty and the default amount for a class two civil infraction is \$125.

The requirements of the bill do not apply to:

- a restaurant that does not have a restroom available for public use;
- a restaurant that is located no more than 300 feet from diaper changing station(s) meeting the requirements of the bill; and
- where the existing restroom does not have the space necessary to install a diaper changing station.

The bill applies to all new construction and to renovations of \$10,000 or more. Existing restaurants must comply with the requirements of the bill by December 31, 2020.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Parents have had to change diapers on the floor and tables of fast food restaurants because of the lack of availability of diaper changing stations. Having an elevated place to change diapers is important for parents with mobility limitations. Diaper stations are inexpensive and small. The bill meets basic family needs and allows restaurants to serve their customers. It is important that fathers also have access to diaper changing stations. The bill should be tailored to bathroom renovations, rather than all renovations.

Persons Testifying: PRO: Senator Sam Hunt, Prime Sponsor; Hillary Hunt, citizen; Samantha Louderback, Washington Hospitality Association.

Persons Signed In To Testify But Not Testifying: No one.