

HOUSE BILL REPORT

ESHB 1562

As Passed House:

March 4, 2025

Title: An act relating to increasing the availability of baby diaper changing stations.

Brief Description: Increasing the availability of baby diaper changing stations.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Hunt, Griffey, Parshley, Duerr, Berry, Davis, Callan, Leavitt, Ramel, Bernbaum, Zahn, Ormsby, Scott, Doglio, Hill and Fosse).

Brief History:

Committee Activity:

Local Government: 2/4/25, 2/7/25 [DPS].

Floor Activity:

Passed House: 3/4/25, 67-28.

Brief Summary of Engrossed Substitute Bill

- Requires a baby diaper changing station in both a restroom accessible to women and a restroom accessible to men, or in a gender-neutral restroom, in each newly constructed public building in which a public restroom is required and in any existing public building when a permit is issued for the renovation of a public restroom in the building with an estimated cost of \$15,000 or more, with certain exceptions.
- Allows a required baby diaper changing station to be removed if it is no longer usable to manufacturer standards.
- Provides that a first violation of the diaper changing station requirement is subject to a warning, with any subsequent violation classified as a class 2 civil infraction.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

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

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Duerr, Chair; Parshley, Vice Chair; Klicker, Ranking Minority Member; Stuebe, Assistant Ranking Minority Member; Griffey, Hunt and Zahn.

Staff: Kellen Wright (786-7134).

Background:

Public Toilet Facility Requirements.

The State Building Code Council is the state agency responsible for the adoption of the State Building Code (Code). The Code specifies, among other things, the minimum plumbing facilities required in a building. In general, the Code requires that, for structures and spaces intended for public use, the public must be provided with public toilet facilities. The number and types of facilities depend on the use and size of the structure. Retail stores, for example, must generally have one water closet per 500 occupants, and one lavatory per 750 occupants. The facilities required may sometimes be broken down into those required for men and those required for women. A theater, for example, must have one water closet for men per 125 occupants, one water closet for women per 65 occupants, and one lavatory for men and one for women per 200 occupants.

With exceptions for certain smaller locations, such as mercantile occupancies with a maximum occupant load of 100 or fewer people, separate facilities are required for men and women, unless the facilities are designed for use by both men and women.

In 2016 the Bathrooms Accessible in Every Situation (or BABIES) Act was signed into federal law. This act requires, with limited exceptions, that at least one restroom on each floor in all publicly accessible federal buildings has a baby changing table. Restrooms that do not have a changing table must have clear and conspicuous signage indicating where a restroom with a baby changing table can be located on the same floor.

Building Permits.

Building permits are generally required when alterations are made to an existing building or when a new building is constructed. The fees for a building permit are often based on the value of the project for which the permit is being sought.

Civil Infractions.

District and municipal courts have jurisdictions over civil infractions, or local governments can design their own system for dealing with infractions. The penalty for an infraction depends on the class of the infraction. In general, a class 1 civil infraction is subject to a \$250 fine, a class 2 infraction to a \$125 fine, a class 3 infraction to a \$50 fine, and a class 4

infraction to a \$25 fine.

The Americans with Disabilities Act.

The Americans with Disabilities Act prohibits discrimination against people with disabilities, and requires that public accommodations have certain accessibility features.

Summary of Engrossed Substitute Bill:

A public building is any building required to have a public restroom by the Code or local government regulations.

A newly constructed public building in which a public restroom is required must provide a baby diaper changing station in one or more restrooms. So, too, must an existing public building in which a public restroom is required when a permit is issued for the renovation of a public restroom within the building with an estimated cost of \$15,000 or more. The changing stations must be provided in at least one restroom that is accessible to women and one restroom that is accessible to men, or in one gender-neutral restroom. Any restroom that does not contain a changing station must have clear and conspicuous signage indicating where a restroom with a changing station can be located.

The required baby diaper changing station must be a table or device that is in compliance with Code requirements and that is suitable for changing the diaper of a child under 50 pounds. After installation, a required baby diaper changing station may be removed if it is no longer usable to the manufacturer's standards.

The baby diaper changing station requirements do not apply to industrial buildings, commercial buildings that do not admit people under 18 years of age, or to restrooms in health care facilities, if the restroom is intended only for the use of one patient at a time and is not for public use. An existing public building is also exempt from the requirement if the local government issuing the permit, or a building inspector, determine that the installation of a baby diaper changing station in the building is not feasible, or if it would cause the restroom to become out of compliance with building standards for access for persons with disabilities.

A city or county attorney must issue a warning for the first violation of the requirement to have a baby diaper changing station. Second and subsequent violations are class 2 civil infractions. No penalty may be issued if a baby diaper changing station has been removed because it was no longer usable to the manufacturer's standards.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) When a baby needs changing, it needs changing. Sometimes fathers have to change diapers in the car as there are no other options. This bill would help to ensure more access for caretakers, whether that is a father, mother, or grandparent. This would benefit families, and would send a message to two-dad households, grandfathers, and others that they're welcome to change their children in public. Children should know that dads also can help to raise children and change diapers. This would help to reduce diaper rashes that occur because of delays in changing them. The bill has been worked on with the business community to make sure that it is not onerous, but instead an added benefit for families in public buildings. The bill addresses concerns about the Americans with Disabilities Act, and only applies to new buildings and major remodels. There are some concerns about allowing exemptions for high-traffic areas if drug use becomes an issue. The cost threshold for the remodel should be raised, perhaps to \$30,000.

(Opposed) None.

Persons Testifying: Representative Victoria Hunt, prime sponsor; Samatha Louderback, Washington Hospitality Association; Alexandra Johnson; and Katie Beeson, Washington Food Industry Association (WFIA).

Persons Signed In To Testify But Not Testifying: None.