

SENATE BILL REPORT

ESHB 1562

As Reported by Senate Committee On:
State Government, Tribal Affairs & Elections, March 14, 2025
Local Government, March 27, 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: Passed House: 3/4/25, 67-28.

Committee Activity: State Government, Tribal Affairs & Elections: 3/14/25 [w/oRec-LGV].

Local Government: 3/24/25, 3/27/25 [DPA, w/oRec].

Brief Summary of Amended Bill

- Requires any newly constructed building required to have a public restroom, or any existing building permitted for a remodel or renovation of a public restroom with an estimated cost of \$15,000 or more, to provide baby diaper changing stations and applicable signage in such restrooms.
- Specifies penalties for violations and provides exemptions from the requirement.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass as amended.

Signed by Senators Salomon, Chair; Lovelett, Vice Chair; Bateman.

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.

Minority Report: That it be referred without recommendation.

Signed by Senators Torres, Ranking Member; Goehner.

Staff: John Kim (786-7453)

Background: Requirements for Baby Diaper Changing Stations in Public Restrooms. The federal Bathrooms Accessible In Every Situation Act, or BABIES Act, was enacted in 2016 and requires baby changing facilities in public restrooms of all publicly accessible federal buildings. A public restroom in such building that does not have a baby changing facility must contain clear and conspicuous signage indicating where a restroom with a baby changing table is located on the same floor of such building.

Some states that have enacted legislation requiring baby diaper changing stations in public restrooms of public and private entities include California, Illinois, Nevada, New Mexico, and New York. Laws passed in Arizona and Utah require changing stations in public entity buildings only.

State Building Code. The State Building Code sets minimum requirements for safety, design, construction, quality of materials, and maintenance of building systems throughout Washington. The State Building Code, as well as most other state building codes in the United States, are based on International Code Council model codes.

Building code standards are adopted at the state level and are then required to be adopted and enforced locally by counties and cities. Local governments can amend standards, but local amendments are subject to certain conditions, including that they cannot be less strict than State Building Code standards.

Building code standards are enforced in the processing and issuance of building permits. Building permits are required for almost all types of construction, including new construction, repairs, alterations, additions, and demolition of existing structures.

Summary of Amended Bill: Requirement for Baby Diaper Changing Stations in Certain Public Buildings with Public Restrooms. A public building in which a public restroom is required must provide a baby diaper changing station in at least one restroom that is accessible to women and one restroom that is accessible to men, or in one gender-neutral restroom.

If multiple restrooms accessible to women, restrooms accessible to men, or gender-neutral restrooms exist, each restroom that does not include a baby diaper changing station must contain clear and conspicuous signage indicating where a restroom with a baby diaper changing station is located.

The requirement applies to any public building constructed after the effective date of the section created by the bill, and to any existing public building upon the issuance of a permit

for a remodel or renovation of a public restroom within the building with an estimated cost of \$15,000 or more.

A public building is defined as any building required to have a public restroom by the State Building Code or local regulations. A public building does not include an industrial building or commercial building that does not permit anyone who is under 18 years of age to enter the premises.

A baby diaper changing station is defined as a table or other device suitable for changing the diaper of a child weighing less than 50 pounds that is in compliance with the International Building Code standards as amended and adopted by the State Building Code Council.

A gender-neutral restroom is defined as a restroom that is not restricted by gender including, but not limited to, restrooms available for use by families.

Exemptions. These requirements do not apply to:

- an existing public building at the time of the issuance of a permit for the remodel or renovation of a public restroom, if the local government issuing the permit or a building inspector determines that the installation of a baby diaper changing station in the building is not feasible or would result in a failure to comply with applicable building standards governing the right of access for persons with disabilities; or
- a restroom located in a health care facility if the restroom is intended for the use of one patient or resident at a time and is not available for public use.

A health care facility is defined as a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

Penalties. For a first violation, the city or county attorney must issue a warning letter to the owner or operator of the public building.

An owner or operator of a public building that violates the above requirements after receiving a warning letter is guilty of a class 2 civil infraction, which carries a maximum penalty and default amount of \$125, not including statutory assessments.

A building owner or operator that has installed a compliant baby diaper changing station that is not used consistent with the standards established by the manufacturer may remove the baby diaper changing station, and no penalty may be issued.

EFFECT OF LOCAL GOVERNMENT COMMITTEE AMENDMENT(S):

- Revises the exemption for building owners or operators who may remove a diaper changing station to specify that the station may be removed if it is not used consistent with manufacturer standards, rather than if it is no longer usable to manufacturer

standards.

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 on Engrossed Substitute House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: It's important for family members and caregivers to have options that aren't relying on finding a place in the corner of an establishment or the back of a car when a baby needs to be changed. The bill was developed in collaboration with the business community and there were many changes made over the course of previous versions of this legislation. Such concerns included increasing the amount that we considered a major renovation triggering the bill's requirement. The bill affects new buildings and major renovations, at which point the cost of adding a diaper changing station is quite minimal relative to the overall cost of the renovation.

There have been significant changes made to the bill to get the Washington Hospitality Association's support. The \$15,000 mark was important due to the cost of installing a diaper changing station. There is one more clarifying change we'd like to see to help us protect customers and employees in instances where this equipment is being misused.

The Washington Food Industry Association supports the bill but also supports a clarifying amendment allowing changing stations that are being used for nefarious activity to be removed from our stores. We see a lot of high crime and illegal activity in our convenience stores specifically, so they want the option, if they do a remodel, to not have to install a changing station.

The bill represents a more equal partnership of child care responsibilities across genders in public. Passing the bill would also increase patronage of businesses from single dads, two-dad households, grandparents, and so on. As a public health nurse, I see a lot of infections and diaper rashes from babies and toddlers. Increasing the amount of time between diaper changes can make infections worse. This will help reduce those concerns.

Persons Testifying: PRO: Representative Victoria Hunt, Prime Sponsor; Alexandra Johnson; Samantha Louderback, Washington Hospitality Association; Katie Beeson, Washington Food Industry Association (WFIA).

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