

1 HOUSE BILL 538

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 G. Andres Romero

5  
6  
7  
8  
9  
10 AN ACT

11 RELATING TO PUBLIC RESTROOM FACILITIES; REQUIRING THAT BABY  
12 DIAPER CHANGING STATIONS BE EQUALLY AVAILABLE TO MEN AND WOMEN  
13 IN RESTROOM FACILITIES IN A PLACE OF PUBLIC ACCOMMODATION;  
14 PROVIDING FOR FINES.

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. [NEW MATERIAL] EQUAL ACCESS TO PUBLIC BABY  
18 DIAPER CHANGING STATIONS.--

19 A. As used in this section:

20 (1) "division" means the construction  
21 industries division of the regulation and licensing department;

22 (2) "public accommodation" means:

23 (a) an inn, hotel, motel or other place  
24 of lodging except for an establishment located within a  
25 building that contains not more than five rooms for rent or

.198818.1

underscored material = new  
[bracketed material] = delete

underscoring material = new  
~~[bracketed material] = delete~~

1 hire and that is actually occupied by the proprietor of such  
2 establishment as a residence;

3 (b) a restaurant, bar or other  
4 establishment serving food or drink;

5 (c) a motion picture house, theater,  
6 concert hall, stadium or other place of exhibition or  
7 entertainment;

8 (d) an auditorium, convention center,  
9 lecture hall or other place of public gathering;

10 (e) a bakery, grocery store, clothing  
11 store, shopping center or other sales or rental establishment;

12 (f) a laundromat, bank, barber shop,  
13 beauty shop, travel service, funeral parlor, gas station,  
14 office of an accountant or lawyer, pharmacy, insurance office,  
15 professional office of a health care provider, hospital or  
16 other service establishment;

17 (g) a terminal, depot or other station  
18 used for public transportation;

19 (h) a museum, library, gallery or other  
20 place of public display or collection;

21 (i) a park, zoo, amusement park or other  
22 place of recreation;

23 (j) a nursery, elementary, secondary,  
24 undergraduate or postgraduate school or other place of  
25 education;

.198818.1

underscored material = new  
~~[bracketed material] = delete~~

1 (k) a daycare center, senior citizen  
2 center, homeless shelter, food bank, adoption agency or other  
3 social service center establishment; and

4 (1) a gymnasium, health spa, bowling  
5 alley, golf course or other place of exercise or recreation;  
6 and

7 (3) "substantial renovation" means a  
8 construction or renovation project requiring a building permit  
9 with an estimated cost of ten thousand dollars (\$10,000) or  
10 more.

11 B. No later than January 1, 2016, the division  
12 shall develop and adopt rules governing baby diaper changing  
13 stations for restroom facilities in a place of public  
14 accommodation. Rules shall afford privacy for the diaper  
15 changing station.

16 C. A place of public accommodation that has a baby  
17 diaper changing station shall provide a station in restrooms  
18 for men and in restrooms for women. This requirement applies  
19 only under the following circumstances:

20 (1) when there is construction of a new  
21 restroom or a substantial renovation of a restroom; and

22 (2) to the extent it may be implemented in  
23 compliance with local, state and federal laws regarding access  
24 for persons with disabilities and with existing fire, health  
25 and safety standards.

.198818.1

underscoring material = new  
~~[bracketed material]~~ = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

D. This section shall not be construed to create a private right of action for failure to comply with the provisions of this section or rules adopted in accordance with this section.

E. The division may assess a fine, not to exceed two hundred fifty dollars (\$250) for violation of the provisions of this section or rules adopted in accordance with this section. Fines shall be credited to the current school fund as provided in Article 12, Section 4 of the constitution of New Mexico.