

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

AN ACT

RELATING TO PUBLIC RESTROOMS; REQUIRING THAT BABY CHANGING FACILITIES BE INCLUDED IN NEW CONSTRUCTION OF ALL RESTROOMS THAT ARE AVAILABLE OR ACCESSIBLE FOR PUBLIC USE IN A PLACE OF PUBLIC ACCOMMODATION AS LIMITED BY DISABILITY ACCESS REQUIREMENTS AND SAFETY STANDARDS; EXCEPTING RESTROOMS WITH CERTAIN SIGNAGE; PROVIDING FOR A PLAN APPROVAL PROCESS; PROVIDING FOR NO PRIVATE RIGHT OF ACTION; PROVIDING FOR ADMINISTRATIVE PENALTY.

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

SECTION 1. EQUAL ACCESS TO PUBLIC BABY CHANGING FACILITIES.--

A. No later than January 1, 2020, the division shall develop and adopt rules governing baby changing facilities for restrooms in a place of public accommodation.

B. A place of public accommodation shall provide a baby changing facility in each restroom located in the place of public accommodation under the following circumstances:

(1) when there is construction of a new restroom; and

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

1 C. The requirements of Subsection B of this
2 section shall not apply to a restroom in a place of public
3 accommodation that:

4 (1) is not available or accessible for
5 public use; or

6 (2) contains clear and conspicuous signage
7 indicating where a restroom with a baby changing facility is
8 located on the same floor of such place of public
9 accommodation.

10 D. All drawings, specifications and other
11 submittal documents as to new construction of a place of
12 public accommodation shall incorporate the requirements of
13 this section when submitted to the appropriate authority
14 having jurisdiction for plan review. The authority having
15 jurisdiction shall not approve drawings and submittal
16 documents for new construction of a place of public
17 accommodation unless drawings, specifications and other
18 submittal documents comply with the provisions of this
19 section. No certificate of occupancy shall be issued for new
20 construction of a place of public accommodation unless fully
21 compliant with the provisions of this section.

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

1 F. As used in this section:

2 (1) "authority having jurisdiction" means
3 the state or a municipality, county or other political
4 subdivision that has a full-service building department
5 employing a full-time certified building official and has
6 permitting, inspection and enforcement authority over the
7 general construction, electrical and mechanical-plumbing
8 trades within its jurisdiction;

9 (2) "baby changing facility" means a table
10 or other device suitable for changing the diaper of a child
11 age three or under;

12 (3) "department" means the regulation and
13 licensing department;

14 (4) "division" means the construction
15 industries division of the regulation and licensing
16 department; and

17 (5) "public accommodation" means:

18 (a) an inn, hotel, motel or other place
19 of lodging except for an establishment that is located within
20 a building that contains not more than five rooms for rent or
21 hire and that is actually occupied by the proprietor of such
22 establishment as a residence;

23 (b) a restaurant, bar or other
24 establishment serving food or drink;

25 (c) a motion picture house, theater,

1 concert hall, stadium or other place of exhibition or
2 entertainment;

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

5 (e) a bakery, grocery store, clothing
6 store, shopping center or other sales or rental
7 establishment;

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

13 (g) a terminal, depot or other station
14 used for public transportation;

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

17 (i) a park, zoo, amusement park or
18 other place of recreation;

19 (j) a nursery, elementary, secondary,
20 undergraduate or postgraduate school or other place of
21 education;

22 (k) a daycare center, senior citizen
23 center, homeless shelter, food bank, adoption agency or other
24 social service center establishment; and

25 (l) a gymnasium, health spa, bowling

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

alley, golf course or other place of exercise or recreation.