SPONSOR: Sen. Walsh & Rep. K. Williams
Sens. Gay, Hansen, Lockman, S. McBride, Pettyjohn, Sokola; Reps. Briggs King, Heffernan, K. Johnson, Minor-Brown, Shupe

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 322
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO HEALTH AND SAFETY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Part II, Title 16 of the Delaware Code by adding a new Chapter 30P by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3001P. Definitions. For purposes of this chapter:

(1) "Diaper Changing Station" shall mean at least 1 safe, sanitary, convenient, and publicly accessible baby diaper changing station inside a restroom.

(2) "Public Accommodation" shall mean any public building or a portion of a public building that includes at least 1 restroom that is open to the public.

(3) "Public Building" shall mean any building owned by any state or local government agency; a theater or movie house, grocery store, health facility, convention center, sports arena, auditorium, cultural complex, exhibition hall, library, passenger terminal, permanent amusement park structure, restaurant with an occupancy of at least 60 persons, as determined by the State Fire Marshal, shopping center of more than 25,000 square feet, tourist attraction, or retail store of more than 5,000 square feet.

(4) "Restroom" shall mean restroom or toilet room with the required sanitary fixtures that is accessible to the public.

§ 3002P. Requirements; effect.

(a) Any Public Building that is a place of public accommodation that installs a Diaper Changing Station in a restroom must ensure the accommodation is equally available or provided regardless of the gender for which the restroom is designed.

(b) This section shall apply to:

(1) Restrooms constructed on or after the effective date of this section; or

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(2) Restrooms existing on or before the effective date of this section which undergo substantial renovation. "Substantial renovation" for purposes of this subsection means a construction or renovation project requiring a building permit with an estimated cost of $10,000 or more.

(c) This section shall not apply to:

(1) An industrial building or to a nightclub or bar that does not permit anyone who is under 18 years of age to enter the premises.

(2) Restrooms located in a health facility if the restroom is intended for the use of one patient or resident at a time.

§ 3003P. Enforcement. The Director of the Division of Public Health shall have exclusive enforcement authority over this section.

Section 2. This Act becomes effective on January 1, 2023.