

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Civic, Military, & Veterans Affairs.

HB23-1057 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** article 5.7 to
4 title 9 as follows:

5 **ARTICLE 5.7**

6 **Amenities For All Genders In Public Buildings**

7 **9-5.7-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY
8 FINDS AND DECLARES THAT:

9 (a) IT IS A MATTER OF STATEWIDE CONCERN TO PROMOTE THE
10 PUBLIC WELFARE BY PROVIDING ACCESS TO NON-GENDERED RESTROOM
11 FACILITIES THAT ARE CONVENIENT FOR PEOPLE OF ALL GENDERS,
12 INCLUDING THOSE OUTSIDE THE GENDER BINARY;

13 (b) THE LACK OF ADEQUATE RESTROOM FACILITIES LEADS TO
14 UNSAFE AND INEQUITABLE CONDITIONS FOR COLORADO CHILDREN,
15 FAMILIES, AND COMMUNITIES. EXPERTS FROM HEALTH PROVIDERS TO
16 FAITH LEADERS, INCLUDING THE OCCUPATIONAL SAFETY AND HEALTH
17 ADMINISTRATION, STRESS THE NEED FOR SINGLE OCCUPANCY
18 NON-GENDERED RESTROOMS AND MULTIPLE-OCCUPANT OR
19 MULTIPLE-STALLED NON-GENDERED RESTROOMS TO BE ACCESSIBLE FOR
20 ALL EMPLOYEES AND INDIVIDUALS. THE LACK OF ACCESSIBILITY TO
21 RESTROOM FACILITIES THAT ARE CONSISTENT WITH AN INDIVIDUAL'S
22 GENDER IDENTITY SINGLES OUT THOSE INDIVIDUALS AND CAN RESULT IN
23 EXPERIENCES OF HARASSMENT AND CAUSE THOSE INDIVIDUALS TO AVOID
24 RESTROOMS ENTIRELY, WHICH CAN LEAD TO POTENTIALLY SERIOUS
25 PHYSICAL INJURY OR ILLNESS. ACCESS TO NON-GENDERED RESTROOMS
26 HAS FAR-REACHING BENEFITS FOR PARENTS CARING FOR A CHILD,
27 INCLUDING PARENTS WITH YOUNG CHILDREN WHO NEED TO ACCESS A
28 BABY DIAPER CHANGING STATION AND INDIVIDUALS WITH DISABILITIES
29 WHO HAVE A CARETAKER OF A DIFFERENT GENDER TO ASSIST THEM. ~~thank~~

30 (c) MEN'S RESTROOMS AND SINGLE-STALL RESTROOMS TYPICALLY
31 DO NOT PROVIDE BABY DIAPER CHANGING STATIONS. THIS CREATES
32 ACCESSIBILITY INEQUITY FOR PARENTS AND CARE PROVIDERS WHO DO NOT
33 IDENTIFY AS WOMEN OR WHO MAY NOT BE COMFORTABLE USING WOMEN'S
34 RESTROOMS, AND CREATES POTENTIAL HEALTH AND SAFETY PROBLEMS
35 FOR BABIES. WITHOUT CLEAN AND SAFE BABY DIAPER CHANGING
36 STATIONS, THESE CARE PROVIDERS MAY BE FORCED TO RESORT TO UNSAFE
37 AND UNSANITARY LOCATIONS, SUCH AS RESTROOM FLOORS, TO CHANGE
38 BABIES' DIAPERS. REQUIRING EQUITABLE ACCESS TO AMENITIES IN PUBLIC
39 RESTROOMS WOULD MAKE IT EASIER FOR PARENTS AND CARE PROVIDERS
40 OF ALL GENDERS TO FIND A SAFE AND SUITABLE PLACE TO CHANGE BABIES'

1 DIAPERS. PROVIDING SAFE, RELIABLE, AND CLEAN BABY DIAPER CHANGING
2 STATIONS IN ALL RESTROOM FACILITIES ENABLES BETTER CARE TAKING FOR
3 INFANTS BY ALL PARENTS AND CARE PROVIDERS, AND SAFER CONDITIONS
4 FOR INFANTS.

5 (d) REQUIRING ALL SINGLE-STALL RESTROOMS TO BE DESIGNATED
6 FOR USE BY ANY GENDER REDUCES WAIT TIMES AND INCREASES COMFORT
7 AND ACCESSIBILITY FOR CARE PROVIDERS AND PEOPLE RECEIVING CARE,
8 INDIVIDUALS WITH DIVERSE GENDER EXPRESSIONS, AND LGBT
9 INDIVIDUALS. FOR LGBT INDIVIDUALS OR INDIVIDUALS WITH DIVERSE
10 GENDER EXPRESSIONS, USING GENDERED FACILITIES CAN POSE HEALTH
11 AND SAFETY ISSUES STEMMING FROM EXPERIENCES OF HARASSMENT AND
12 PHYSICAL THREATS IN GENDERED FACILITIES REGARDLESS OF WHICH
13 GENDERED FACILITY THEY USE OR THEIR PHYSICAL PRESENTATION. DUE
14 TO THESE EXPERIENCES AND ASSOCIATED STIGMA, SOME PEOPLE TODAY
15 AVOID USING PUBLIC RESTROOMS WHENEVER POSSIBLE AND MAY REFRAIN
16 FROM EATING, DRINKING, OR RELIEVING THEMSELVES FOR EXTENDED
17 PERIODS OF TIME IN ORDER TO AVOID GENDERED FACILITIES. DELAYING OR
18 AVOIDING USING THE RESTROOM CAN HAVE PHYSICAL HEALTH
19 IMPLICATIONS.

20 (e) THE "INTERNATIONAL PLUMBING CODE", 2021 EDITION,
21 REFERRED TO IN THIS ARTICLE 5.7 AS THE "I.P.C.", INCLUDES TWO
22 AMENDMENTS REGARDING NON-GENDERED RESTROOMS. ONE AMENDMENT
23 REQUIRES SIGNAGE ON SINGLE-STALL RESTROOMS TO INDICATE THAT THEY
24 ARE OPEN TO ANY USER REGARDLESS OF GENDER. THE OTHER AMENDMENT
25 ALLOWS THE CREATION OF NON-GENDERED MULTI-STALL DESIGNS WITH
26 SHARED SINKS AND EACH TOILET IN A PRIVATE COMPARTMENT.

27 (f) THE I.P.C. ALSO REQUIRES THAT SINGLE-STALL RESTROOMS BE
28 IDENTIFIED FOR USE BY ALL INDIVIDUALS REGARDLESS OF SEX AND
29 ALLOWS FOR MULTI-USER FACILITIES TO SERVE ALL GENDERS. THE
30 COLORADO STATE ARCHITECT ADOPTS CODES FOR CONSTRUCTION AT ALL
31 STATE-OWNED BUILDINGS AND FACILITIES, AND HAS ADOPTED THE 2021
32 EDITION OF THE INTERNATIONAL BUILDING CODE.

33 **9-5.7-102. Definitions.** AS USED IN THIS ARTICLE 5.7, UNLESS THE
34 CONTEXT OTHERWISE REQUIRES:

35 (1) "CERTIFIED HISTORIC STRUCTURE" MEANS A PROPERTY
36 LOCATED IN COLORADO THAT HAS BEEN CERTIFIED BY THE STATE
37 HISTORICAL SOCIETY OR AN ENTITY OTHER THAN THE OWNER OF THE
38 PROPERTY THAT IS AUTHORIZED, PURSUANT TO SECTION 24-80.1-105 (1),
39 TO NOMINATE PROPERTIES TO THE STATE REGISTER OF HISTORIC
40 PROPERTIES AS A HISTORIC STRUCTURE BECAUSE IT HAS BEEN:

41 (a) LISTED INDIVIDUALLY ON, OR AS A CONTRIBUTING PROPERTY
42 IN A DISTRICT INCLUDED WITHIN, THE NATIONAL REGISTER OF HISTORIC
43 PLACES;

1 (b) LISTED INDIVIDUALLY ON, OR AS A CONTRIBUTING PROPERTY
2 IN A DISTRICT THAT IS INCLUDED WITHIN, THE STATE REGISTER OF
3 HISTORIC PROPERTIES PURSUANT TO ARTICLE 80.1 OF TITLE 24.; OR
4 (c) LISTED INDIVIDUALLY BY, OR AS A CONTRIBUTING PROPERTY
5 WITHIN A DESIGNATED HISTORIC DISTRICT OF, A CERTIFIED LOCAL
6 GOVERNMENT.

7 (2) "GENDER-SPECIFIC RESTROOM" MEANS A RESTROOM THAT IS
8 DESIGNATED FOR USE BY ONLY ONE GENDER.

9 (3) "LGBT INDIVIDUAL" MEANS AN INDIVIDUAL WHO IS A MEMBER
10 OF THE LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND NON-BINARY
11 COMMUNITY.

12 (4) "NON-GENDERED MULTI-STALL RESTROOM" MEANS A
13 RESTROOM WITH MULTIPLE TOILETS THAT IS AVAILABLE FOR USE BY
14 PEOPLE OF ANY GENDER, INCLUDING A RESTROOM WITH SHARED SINKS BUT
15 EACH TOILET IS IN A PRIVATE COMPARTMENT.

16 (5) "NON-GENDERED SINGLE-STALL RESTROOM" MEANS A
17 RESTROOM THAT IS AVAILABLE FOR USE BY PEOPLE OF ANY GENDER THAT
18 IS A FULLY ENCLOSED ROOM WITH A LOCKING MECHANISM CONTROLLED
19 BY THE USER AND CONTAINS A SINK, TOILET, AND NO MORE THAN ONE
20 URINAL.

21 (6) "RENOVATION OF A RESTROOM" MEANS CONSTRUCTION TO A
22 RESTROOM FOR WHICH A PERMIT IS REQUIRED, OTHER THAN A REPAIR,
23 THAT INCLUDES CHANGING THE STRUCTURE BY INCREASING THE SQUARE
24 FOOTAGE; INSTALLING OR MODIFYING A PLUMBING OR ELECTRIC SYSTEM;
25 ADDING, GUTTING OR REMOVING WALLS; OR INSTALLING A HEATING,
26 VENTILATION OR AIR CONDITIONING SYSTEM.

27 (7) "PUBLIC ENTITY" MEANS A STATE INSTITUTION OF HIGHER
28 EDUCATION, AS DEFINED IN SECTION 23-18-102 (10), A COUNTY, A CITY
29 AND COUNTY, OR A MUNICIPALITY. FOR PURPOSES OF THIS ARTICLE 5.7, A
30 STATE AGENCY DOES NOT INCLUDE ANY BUILDING OWNED AND OPERATED
31 AS AN EDUCATION FACILITY BY A SCHOOL DISTRICT, CHARTER SCHOOL, OR
32 INSTITUTE CHARTER SCHOOL.

33 **9-5.7-103. Restrooms - baby diaper changing stations -**
34 **applicability - signage - enforcement.** (1) ON AND AFTER JANUARY 1,
35 2024, A PUBLIC BUILDING THAT IS WHOLLY OR PARTIALLY OWNED BY THE
36 STATE OR A STATE AGENCY THAT IS SCHEDULED FOR RENOVATION OF A
37 RESTROOM OR NEWLY CONSTRUCTED BUILDING MUST, IN ANY PORTION
38 THAT IS ACCESSIBLE TO THE PUBLIC:

39 (a) PROVIDE A NON-GENDERED SINGLE-STALL RESTROOM OR A
40 NON-GENDERED MULTI-STALL RESTROOM ON EACH FLOOR WHERE A
41 RESTROOM IS PUBLICLY AVAILABLE;

42 (b) ENSURE THAT ANY SINGLE-STALL RESTROOM IS NOT A
43 GENDER-SPECIFIC RESTROOM;

1 (c) ALLOW FOR THE USE OF A MULTI-STALL RESTROOM BY ANY
2 GENDER IF CERTAIN FACILITY FEATURES ARE MET PURSUANT TO THE I.P.C.
3 OR ANY SUBSEQUENT INTERNATIONAL PLUMBING CODE ADOPTED AS PART
4 OF THE COLORADO PLUMBING CODE AND THE COLORADO FUEL GAS CODE
5 ADOPTED BY THE STATE PLUMBING BOARD PURSUANT TO SECTION
6 12-155-106; AND

7 (d) (I) PROVIDE AT LEAST ONE SAFE, SANITARY, AND CONVENIENT
8 BABY DIAPER CHANGING STATION THAT IS ACCESSIBLE TO THE PUBLIC ON
9 EACH FLOOR WHERE THERE IS A PUBLIC RESTROOM IN EACH
10 GENDER-SPECIFIC RESTROOM, NON-GENDERED MULTI-STALL RESTROOM,
11 AND NON-GENDERED SINGLE-STALL RESTROOM IF SUCH RESTROOMS EXIST,
12 OR A LOCATION WITH EQUIVALENT PRIVACY AND AMENITIES AS A
13 RESTROOM; AND

14 (II) ENSURE THAT EACH BABY DIAPER CHANGING STATION IS
15 MAINTAINED, REPAIRED, AND REPLACED AS NECESSARY TO ENSURE
16 SAFETY AND EASE OF USE AND CLEANED WITH THE SAME FREQUENCY AS
17 THE RESTROOM IN WHICH IT IS LOCATED OR RESTROOMS ON THE SAME
18 FLOOR OR IN THE SAME SPACE IF THE CHANGING TABLE IS NOT LOCATED IN
19 A RESTROOM.

20 (2) ON AND AFTER JULY 1, 2025, A BUILDING THAT IS WHOLLY OR
21 PARTIALLY OWNED BY THE STATE OR A STATE AGENCY AND THAT IS
22 EITHER A NEWLY CONSTRUCTED BUILDING THAT IS ACCESSIBLE TO
23 EMPLOYEES OR ENROLLED STUDENTS OR IS UNDERGOING A RESTROOM
24 RENOVATION MUST:

25 (a) PROVIDE A NON-GENDERED SINGLE-STALL RESTROOM OR A
26 NON-GENDERED MULTI-STALL RESTROOM ON EACH FLOOR WHERE
27 RESTROOMS ARE ACCESSIBLE BY EMPLOYEES OR STUDENTS;

28 (b) ENSURE THAT ANY SINGLE-STALL RESTROOM IS NOT A
29 GENDER-SPECIFIC RESTROOM; AND

30 (c) ALLOW FOR THE USE OF A MULTI-STALL RESTROOM BY ANY
31 GENDER IF CERTAIN FACILITY FEATURES ARE MET PURSUANT TO THE I.P.C.,
32 OR ANY SUBSEQUENT INTERNATIONAL PLUMBING CODE ADOPTED AS PART
33 OF THE COLORADO PLUMBING CODE OR THE COLORADO FUEL GAS CODE
34 ADOPTED BY THE STATE PLUMBING BOARD PURSUANT TO SECTION
35 12-155-106.

36 (3) ON AND AFTER JULY 1, 2024, A BUILDING THAT IS WHOLLY OR
37 PARTIALLY OWNED OR LEASED BY THE STATE OR A STATE AGENCY, MUST
38 ENSURE THAT SIGNAGE FOR THE BUILDING OR THE PORTION OF THE
39 BUILDING LEASED OR OWNED COMPLIES WITH THE FOLLOWING SIGNAGE
40 REQUIREMENTS:

41 (a) ANY RESTROOM WITH A BABY DIAPER CHANGING STATION
42 MUST HAVE SIGNAGE WITH A PICTOGRAM VOID OF GENDER THAT
43 INDICATES THE PRESENCE OF THE BABY DIAPER CHANGING STATION;

1 (b) ANY NON-GENDERED MULTI-STALL RESTROOM OR
2 NON-GENDERED SINGLE-STALL RESTROOM MUST HAVE SIGNAGE WITH A
3 PICTOGRAM VOID OF GENDER;

4 (c) EACH BUILDING THAT IS ACCESSIBLE BY THE PUBLIC MUST
5 INCLUDE SIGNAGE AT OR NEAR THE ENTRANCE TO THE BUILDING
6 INDICATING THE LOCATION OF RESTROOMS AND BABY DIAPER CHANGING
7 STATIONS. IF THERE IS A CENTRAL DIRECTORY IDENTIFYING, FOR THE
8 BENEFIT OF THE PUBLIC, THE LOCATION OF OFFICES, RESTROOMS, AND
9 OTHER FACILITIES IN THE BUILDINGS, THAT CENTRAL DIRECTORY MUST
10 INDICATE WITH A PICTOGRAM VOID OF GENDER THE LOCATION OF ANY
11 BABY DIAPER CHANGING STATION AND THE LOCATION OF ANY
12 NON-GENDERED MULTI-STALL RESTROOM OR SINGLE-STALL RESTROOM.

13 (d) ALL PUBLIC BUILDINGS WITH EXISTING GENDER-SPECIFIC
14 RESTROOMS, NON-GENDERED MULTI-STALL RESTROOMS, OR
15 NON-GENDERED SINGLE-STALL RESTROOMS MUST UPDATE SIGNAGE, IF
16 NECESSARY, TO INCLUDE A PICTOGRAM VOID OF GENDER.

17 (4) ALL RESTROOMS SUBJECT TO SUBSECTIONS (1) AND (2) OF THIS
18 SECTION SHALL COMPLY WITH THE CURRENT "ADA STANDARDS FOR
19 ACCESSIBLE DESIGN" SET FORTH IN 28 CFR 35, APPLICABLE TO PUBLIC
20 ENTITIES AND PROMULGATED IN ACCORDANCE WITH THE FEDERAL
21 "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET.
22 SEQ., AS AMENDED.

23 (5) SUBSECTIONS (1) AND (2) OF THIS SECTION DO NOT APPLY TO
24 THE RENOVATION OF A RESTROOM OR A NEWLY CONSTRUCTED BUILDING
25 PROJECT IF:

26 (a) A LOCAL BUILDING PERMITTING ENTITY OR BUILDING
27 INSPECTOR DETERMINES THAT THE INSTALLATION OF A BABY DIAPER
28 CHANGING STATION IN ACCORDANCE WITH SUBSECTION (1)(d) OF THIS
29 SECTION WOULD RESULT IN A FAILURE TO COMPLY WITH APPLICABLE
30 BUILDING STANDARDS GOVERNING THE RIGHT OF ACCESS FOR INDIVIDUALS
31 WITH DISABILITIES. THE PERMITTING ENTITY OR BUILDING INSPECTOR MAY
32 GRANT AN EXEMPTION FROM THE REQUIREMENTS OF THIS SECTION UNDER
33 THOSE CIRCUMSTANCES, PROVIDED THAT THERE IS DOCUMENTATION
34 DEMONSTRATING THAT NO ALTERNATIVE DESIGN IS POSSIBLE THAT
35 COMPLIES WITH THE RIGHT OF ACCESS FOR INDIVIDUALS WITH DISABILITIES
36 AND A GOOD FAITH ATTEMPT HAS BEEN MADE TO DESIGN A RESTROOM IN
37 A MANNER THAT WOULD ACCOMMODATE INDIVIDUALS WITH DISABILITIES
38 AND THE INSTALLATION OF A BABY DIAPER CHANGING STATION IN
39 ACCORDANCE WITH SUBSECTION (1)(d) OF THIS SECTION.

40 (b) THE PROJECT HAS ALREADY PROGRESSED THROUGH THE
41 DESIGN REVIEW PROCESS, BUDGETING, AND FINAL APPROVAL BY THE
42 GOVERNING BODY THAT HAS FINAL APPROVAL OVER CAPITAL
43 CONSTRUCTION PROJECT EXPENDITURES AS OF THE EFFECTIVE DATE OF

1 THIS SUBSECTION (5)(b), AS ENACTED BY HOUSE BILL 23-1057.
2 (c) THE BUILDING IS DESIGNATED AS A CERTIFIED HISTORIC
3 STRUCTURE.
4 (6) ANY EMPLOYEE WITH A DESIGNATED WORKPLACE THAT IS A
5 PUBLIC BUILDING WHO CLAIMS TO BE AGGRIEVED BY A DISCRIMINATORY
6 OR UNFAIR PRACTICE AS DEFINED BY PART 4 OF ARTICLE 34 OF TITLE 24,
7 INCLUDING FAILURE TO COMPLY WITH THIS ARTICLE 5.7, MAY
8 INDIVIDUALLY OR THROUGH THEIR ATTORNEY-AT-LAW MAKE, SIGN, AND
9 FILE WITH THE COLORADO CIVIL RIGHTS DIVISION, CREATED IN SECTION
10 24-34-302, A VERIFIED WRITTEN CHARGE STATING THE NAME AND
11 ADDRESS OF THE RESPONDENT ALLEGED TO HAVE COMMITTED THE
12 DISCRIMINATORY OR UNFAIR PRACTICE. THE CHARGE MUST SET FORTH THE
13 PARTICULARS OF THE ALLEGED DISCRIMINATORY OR UNFAIR PRACTICE,
14 AND CONTAINING ANY OTHER INFORMATION REQUIRED BY THE COLORADO
15 CIVIL RIGHTS DIVISION.
16 **SECTION 2. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly; except
19 that, if a referendum petition is filed pursuant to section 1 (3) of article V
20 of the state constitution against this act or an item, section, or part of this
21 act within such period, then the act, item, section, or part will not take
22 effect unless approved by the people at the general election to be held in
23 November 2023 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor."

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