

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 13, 2023
Date

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

After consideration on the merits, the Committee recommends the following:

HB23-1057 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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

1 BABY DIAPER CHANGING STATION AND INDIVIDUALS WITH DISABILITIES
2 WHO HAVE A CARETAKER OF A DIFFERENT GENDER TO ASSIST THEM. thank

3 (c) MEN'S RESTROOMS AND SINGLE-STALL RESTROOMS TYPICALLY
4 DO NOT PROVIDE BABY DIAPER CHANGING STATIONS. THIS CREATES
5 ACCESSIBILITY INEQUITY FOR PARENTS AND CARE PROVIDERS WHO DO NOT
6 IDENTIFY AS WOMEN OR WHO MAY NOT BE COMFORTABLE USING WOMEN'S
7 RESTROOMS, AND CREATES POTENTIAL HEALTH AND SAFETY PROBLEMS
8 FOR BABIES. WITHOUT CLEAN AND SAFE BABY DIAPER CHANGING
9 STATIONS, THESE CARE PROVIDERS MAY BE FORCED TO RESORT TO UNSAFE
10 AND UNSANITARY LOCATIONS, SUCH AS RESTROOM FLOORS, TO CHANGE
11 BABIES' DIAPERS. REQUIRING EQUITABLE ACCESS TO AMENITIES IN PUBLIC
12 RESTROOMS WOULD MAKE IT EASIER FOR PARENTS AND CARE PROVIDERS
13 OF ALL GENDERS TO FIND A SAFE AND SUITABLE PLACE TO CHANGE BABIES'
14 DIAPERS. PROVIDING SAFE, RELIABLE, AND CLEAN BABY DIAPER CHANGING
15 STATIONS IN ALL RESTROOM FACILITIES ENABLES BETTER CARETAKING FOR
16 INFANTS BY ALL PARENTS AND CARE PROVIDERS, AND SAFER CONDITIONS
17 FOR INFANTS.

18 (d) REQUIRING ALL SINGLE-STALL RESTROOMS TO BE DESIGNATED
19 FOR USE BY ANY GENDER REDUCES WAIT TIMES AND INCREASES COMFORT
20 AND ACCESSIBILITY FOR CARE PROVIDERS AND PEOPLE RECEIVING CARE,
21 INDIVIDUALS WITH DIVERSE GENDER EXPRESSIONS, AND LGBT
22 INDIVIDUALS. FOR LGBT INDIVIDUALS OR INDIVIDUALS WITH DIVERSE
23 GENDER EXPRESSIONS, USING GENDERED FACILITIES CAN POSE HEALTH
24 AND SAFETY ISSUES STEMMING FROM EXPERIENCES OF HARASSMENT AND
25 PHYSICAL THREATS IN GENDERED FACILITIES REGARDLESS OF WHICH
26 GENDERED FACILITY THEY USE OR THEIR PHYSICAL PRESENTATION. DUE
27 TO THESE EXPERIENCES AND ASSOCIATED STIGMA, SOME PEOPLE TODAY
28 AVOID USING PUBLIC RESTROOMS WHENEVER POSSIBLE AND MAY REFRAIN
29 FROM EATING, DRINKING, OR RELIEVING THEMSELVES FOR EXTENDED
30 PERIODS OF TIME IN ORDER TO AVOID GENDERED FACILITIES. DELAYING OR
31 AVOIDING USING THE RESTROOM CAN HAVE PHYSICAL HEALTH
32 IMPLICATIONS.

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

40 (f) THE I.P.C. ALSO REQUIRES THAT SINGLE-STALL RESTROOMS BE
41 IDENTIFIED FOR USE BY ALL INDIVIDUALS REGARDLESS OF SEX AND
42 ALLOWS FOR MULTI-USER FACILITIES TO SERVE ALL GENDERS. THE
43 COLORADO STATE ARCHITECT ADOPTS CODES FOR CONSTRUCTION AT ALL

1 STATE-OWNED BUILDINGS AND FACILITIES, AND HAS ADOPTED THE 2021
2 EDITION OF THE INTERNATIONAL BUILDING CODE.

3 **9-5.7-102. Definitions.** AS USED IN THIS ARTICLE 5.7, UNLESS THE
4 CONTEXT OTHERWISE REQUIRES:

5 (1) "CERTIFIED HISTORIC STRUCTURE" MEANS A PROPERTY
6 LOCATED IN COLORADO THAT HAS BEEN CERTIFIED BY THE STATE
7 HISTORICAL SOCIETY OR AN ENTITY OTHER THAN THE OWNER OF THE
8 PROPERTY THAT IS AUTHORIZED, PURSUANT TO SECTION 24-80.1-105 (1),
9 TO NOMINATE PROPERTIES TO THE STATE REGISTER OF HISTORIC
10 PROPERTIES AS A HISTORIC STRUCTURE BECAUSE IT HAS BEEN:

11 (a) LISTED INDIVIDUALLY ON, OR AS A CONTRIBUTING PROPERTY
12 IN A DISTRICT INCLUDED WITHIN, THE NATIONAL REGISTER OF HISTORIC
13 PLACES;

14 (b) LISTED INDIVIDUALLY ON, OR AS A CONTRIBUTING PROPERTY
15 IN A DISTRICT THAT IS INCLUDED WITHIN, THE STATE REGISTER OF
16 HISTORIC PROPERTIES PURSUANT TO ARTICLE 80.1 OF TITLE 24.; OR

17 (c) LISTED INDIVIDUALLY BY, OR AS A CONTRIBUTING PROPERTY
18 WITHIN A DESIGNATED HISTORIC DISTRICT OF, A CERTIFIED LOCAL
19 GOVERNMENT.

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

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

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

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

34 (6) "RENOVATION OF A RESTROOM" MEANS CONSTRUCTION TO A
35 RESTROOM FOR WHICH A PERMIT IS REQUIRED, OTHER THAN A REPAIR,
36 THAT INCLUDES CHANGING THE STRUCTURE BY INCREASING THE SQUARE
37 FOOTAGE; INSTALLING OR MODIFYING A PLUMBING OR ELECTRIC SYSTEM;
38 ADDING, GUTTING OR REMOVING WALLS; OR INSTALLING A HEATING,
39 VENTILATION OR AIR CONDITIONING SYSTEM.

40 (7) "PUBLIC ENTITY" MEANS A STATE INSTITUTION OF HIGHER
41 EDUCATION, AS DEFINED IN SECTION 23-18-102 (10), A COUNTY, A CITY
42 AND COUNTY, OR A MUNICIPALITY. FOR PURPOSES OF THIS ARTICLE 5.7, A
43 STATE AGENCY DOES NOT INCLUDE ANY BUILDING OWNED AND OPERATED

1 AS AN EDUCATION FACILITY BY A SCHOOL DISTRICT, CHARTER SCHOOL, OR
2 INSTITUTE CHARTER SCHOOL.

3 **9-5.7-103. Restrooms - baby diaper changing stations -**
4 **applicability - signage - enforcement.** (1) ON AND AFTER JANUARY 1,
5 2024, A PUBLIC BUILDING THAT IS WHOLLY OR PARTIALLY OWNED BY THE
6 STATE OR A STATE AGENCY THAT IS SCHEDULED FOR RENOVATION OF A
7 RESTROOM OR NEWLY CONSTRUCTED BUILDING MUST, IN ANY PORTION
8 THAT IS ACCESSIBLE TO THE PUBLIC:

9 (a) PROVIDE A NON-GENDERED SINGLE-STALL RESTROOM OR A
10 NON-GENDERED MULTI-STALL RESTROOM ON EACH FLOOR WHERE A
11 RESTROOM IS PUBLICLY AVAILABLE;

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

14 (c) ALLOW FOR THE USE OF A MULTI-STALL RESTROOM BY ANY
15 GENDER IF CERTAIN FACILITY FEATURES ARE MET PURSUANT TO THE I.P.C.
16 OR ANY SUBSEQUENT INTERNATIONAL PLUMBING CODE ADOPTED AS PART
17 OF THE COLORADO PLUMBING CODE AND THE COLORADO FUEL GAS CODE
18 ADOPTED BY THE STATE PLUMBING BOARD PURSUANT TO SECTION
19 12-155-106; AND

20 (d) (I) PROVIDE ANY CAREGIVER ON THE GENDER BINARY THAT IS
21 CARING FOR AN INFANT ACCESS TO AT LEAST ONE SAFE, SANITARY, AND
22 CONVENIENT BABY DIAPER CHANGING STATION THAT IS ACCESSIBLE TO
23 THE PUBLIC ON EACH FLOOR WHERE THERE IS A PUBLICLY ACCESSIBLE
24 RESTROOM AND THAT INCLUDES:

25 (A) IF ONLY GENDER-SPECIFIC RESTROOMS ARE AVAILABLE, AT
26 LEAST ONE CHANGING TABLE IN EACH RESTROOM;

27 (B) IF A NON-GENDERED SINGLE-STALL RESTROOM IS AVAILABLE,
28 AT LEAST ONE CHANGING TABLE IN THAT RESTROOM, AND PUBLIC ENTITIES
29 ARE ENCOURAGED TO ALSO PROVIDE CHANGING TABLES IN EACH OF THE
30 SINGLE-STALL GENDER-SPECIFIC RESTROOMS;

31 (C) IF A NON-GENDERED MULTI-STALL RESTROOM IS AVAILABLE,
32 AT LEAST ONE CHANGING TABLE IN THAT RESTROOM, AND PUBLIC ENTITIES
33 ARE ENCOURAGED TO ALSO PROVIDE CHANGING TABLES IN EACH OF THE
34 GENDER-SPECIFIC RESTROOMS; OR

35 (D) AN EASILY ACCESSIBLE LOCATION WITH EQUIVALENT PRIVACY
36 AND AMENITIES AS A RESTROOM; AND

37 (II) ENSURE THAT EACH BABY DIAPER CHANGING STATION IS
38 MAINTAINED, REPAIRED, AND REPLACED AS NECESSARY TO ENSURE
39 SAFETY AND EASE OF USE AND CLEANED WITH THE SAME FREQUENCY AS
40 THE RESTROOM IN WHICH IT IS LOCATED OR RESTROOMS ON THE SAME
41 FLOOR OR IN THE SAME SPACE IF THE CHANGING TABLE IS NOT LOCATED IN
42 A RESTROOM.

43 (2) ON AND AFTER JULY 1, 2025, A BUILDING THAT IS WHOLLY OR

1 PARTIALLY OWNED BY THE STATE OR A STATE AGENCY AND THAT IS
2 EITHER A NEWLY CONSTRUCTED BUILDING THAT IS ACCESSIBLE TO
3 EMPLOYEES OR ENROLLED STUDENTS OR IS UNDERGOING A RESTROOM
4 RENOVATION MUST:

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

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

10 (c) ALLOW FOR THE USE OF A MULTI-STALL RESTROOM BY ANY
11 GENDER IF CERTAIN FACILITY FEATURES ARE MET PURSUANT TO THE I.P.C.,
12 OR ANY SUBSEQUENT INTERNATIONAL PLUMBING CODE ADOPTED AS PART
13 OF THE COLORADO PLUMBING CODE OR THE COLORADO FUEL GAS CODE
14 ADOPTED BY THE STATE PLUMBING BOARD PURSUANT TO SECTION
15 12-155-106.

16 (3) ON AND AFTER JULY 1, 2024, A BUILDING THAT IS WHOLLY OR
17 PARTIALLY OWNED OR LEASED BY THE STATE OR A STATE AGENCY, MUST
18 ENSURE THAT SIGNAGE FOR THE BUILDING OR THE PORTION OF THE
19 BUILDING LEASED OR OWNED COMPLIES WITH THE FOLLOWING SIGNAGE
20 REQUIREMENTS:

21 (a) ANY RESTROOM WITH A BABY DIAPER CHANGING STATION
22 MUST HAVE SIGNAGE WITH A PICTOGRAM VOID OF GENDER THAT
23 INDICATES THE PRESENCE OF THE BABY DIAPER CHANGING STATION;

24 (b) ANY NON-GENDERED MULTI-STALL RESTROOM OR
25 NON-GENDERED SINGLE-STALL RESTROOM MUST HAVE SIGNAGE WITH A
26 PICTOGRAM VOID OF GENDER;

27 (c) EACH BUILDING THAT IS ACCESSIBLE BY THE PUBLIC MUST
28 INCLUDE SIGNAGE AT OR NEAR THE ENTRANCE TO THE BUILDING
29 INDICATING THE LOCATION OF RESTROOMS AND BABY DIAPER CHANGING
30 STATIONS. IF THERE IS A CENTRAL DIRECTORY IDENTIFYING, FOR THE
31 BENEFIT OF THE PUBLIC, THE LOCATION OF OFFICES, RESTROOMS, AND
32 OTHER FACILITIES IN THE BUILDINGS, THAT CENTRAL DIRECTORY MUST
33 INDICATE WITH A PICTOGRAM VOID OF GENDER THE LOCATION OF ANY
34 BABY DIAPER CHANGING STATION AND THE LOCATION OF ANY
35 NON-GENDERED MULTI-STALL RESTROOM OR SINGLE-STALL RESTROOM.

36 (d) ALL PUBLIC BUILDINGS WITH NON-GENDERED MULTI-STALL
37 RESTROOMS OR NON-GENDERED SINGLE-STALL RESTROOMS MUST UPDATE
38 SIGNAGE, IF NECESSARY, TO INCLUDE A PICTOGRAM VOID OF GENDER.

39 (4) ALL RESTROOMS SUBJECT TO SUBSECTIONS (1) AND (2) OF THIS
40 SECTION SHALL COMPLY WITH THE CURRENT "ADA STANDARDS FOR
41 ACCESSIBLE DESIGN" SET FORTH IN 28 CFR 35, APPLICABLE TO PUBLIC
42 ENTITIES AND PROMULGATED IN ACCORDANCE WITH THE FEDERAL
43 "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET.

1 SEQ., AS AMENDED.

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

5 (a) A LOCAL BUILDING PERMITTING ENTITY OR BUILDING
6 INSPECTOR DETERMINES THAT THE INSTALLATION OF A BABY DIAPER
7 CHANGING STATION IN ACCORDANCE WITH SUBSECTION (1)(d) OF THIS
8 SECTION WOULD RESULT IN A FAILURE TO COMPLY WITH APPLICABLE
9 BUILDING STANDARDS GOVERNING THE RIGHT OF ACCESS FOR INDIVIDUALS
10 WITH DISABILITIES. THE PERMITTING ENTITY OR BUILDING INSPECTOR MAY
11 GRANT AN EXEMPTION FROM THE REQUIREMENTS OF THIS SECTION UNDER
12 THOSE CIRCUMSTANCES, PROVIDED THAT THERE IS DOCUMENTATION
13 DEMONSTRATING THAT NO ALTERNATIVE DESIGN IS POSSIBLE THAT
14 COMPLIES WITH THE RIGHT OF ACCESS FOR INDIVIDUALS WITH DISABILITIES
15 AND A GOOD FAITH ATTEMPT HAS BEEN MADE TO DESIGN A RESTROOM IN
16 A MANNER THAT WOULD ACCOMMODATE INDIVIDUALS WITH DISABILITIES
17 AND THE INSTALLATION OF A BABY DIAPER CHANGING STATION IN
18 ACCORDANCE WITH SUBSECTION (1)(d) OF THIS SECTION.

19 (b) THE PROJECT HAS ALREADY PROGRESSED THROUGH THE
20 DESIGN REVIEW PROCESS, BUDGETING, AND FINAL APPROVAL BY THE
21 GOVERNING BODY THAT HAS FINAL APPROVAL OVER CAPITAL
22 CONSTRUCTION PROJECT EXPENDITURES AS OF THE EFFECTIVE DATE OF
23 THIS SUBSECTION (5)(b), AS ENACTED BY HOUSE BILL 23-1057.

24 (c) THE BUILDING IS DESIGNATED AS A CERTIFIED HISTORIC
25 STRUCTURE.

26 (6) ANY EMPLOYEE WITH A DESIGNATED WORKPLACE THAT IS A
27 PUBLIC BUILDING WHO CLAIMS TO BE AGGRIEVED BY A DISCRIMINATORY
28 OR UNFAIR PRACTICE AS DEFINED BY PART 4 OF ARTICLE 34 OF TITLE 24,
29 INCLUDING FAILURE TO COMPLY WITH THIS ARTICLE 5.7, MAY
30 INDIVIDUALLY OR THROUGH THEIR ATTORNEY-AT-LAW MAKE, SIGN, AND
31 FILE WITH THE COLORADO CIVIL RIGHTS DIVISION, CREATED IN SECTION
32 24-34-302, A VERIFIED WRITTEN CHARGE STATING THE NAME AND
33 ADDRESS OF THE RESPONDENT ALLEGED TO HAVE COMMITTED THE
34 DISCRIMINATORY OR UNFAIR PRACTICE. THE CHARGE MUST SET FORTH THE
35 PARTICULARS OF THE ALLEGED DISCRIMINATORY OR UNFAIR PRACTICE,
36 AND CONTAINING ANY OTHER INFORMATION REQUIRED BY THE COLORADO
37 CIVIL RIGHTS DIVISION.

38 **SECTION 2. Act subject to petition - effective date.** This act
39 takes effect at 12:01 a.m. on the day following the expiration of the
40 ninety-day period after final adjournment of the general assembly; except
41 that, if a referendum petition is filed pursuant to section 1 (3) of article V
42 of the state constitution against this act or an item, section, or part of this
43 act within such period, then the act, item, section, or part will not take

1 effect unless approved by the people at the general election to be held in
2 November 2023 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor."

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