2021 SENATE BILL 864


AN ACT to renumber and amend 101.128; and to create 101.128 (title), 101.128 (2m) and 101.128 (3m) of the statutes; relating to: requiring the installation and identification of diaper changing stations in public buildings and places of employment.

Analysis by the Legislative Reference Bureau

With certain exceptions, this bill requires the owner of a public building or place of employment (commercial building) that is constructed or renovated after the effective date of the bill and that has restrooms that are open to the public to install and maintain a diaper changing station in 1) a restroom designated for use by all genders; or 2) a restroom designated for use by women and a restroom designated for use by men.

The bill also requires the owner of a commercial building that has restrooms that are open to the public to identify any restroom in the commercial building that contains a diaper changing station with an appropriate sign.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 101.128 (title) of the statutes is created to read:
101.128 (title) **Restrooms.**

**SECTION 2.** 101.128 of the statutes is renumbered 101.128 (1m), and 101.128 (1m) (title), (a) (intro.) and 4. (intro.), (b) (title) and 2., (c) 1. (intro.) and 2. and (d) 1. (intro.) and 2., as renumbered, are amended to read:

101.128 (1m) (title) **Restroom Speed of Access Equity.** (a) **Definitions.** (intro.)

In this section subsection:

4. (intro.) “Renovation” means any structural remodeling, improvement, or alteration of an existing facility where the public congregates structure. “Renovation” does not include any of the following:

(b) (title) **Restroom requirements Requirements.**

2. ‘Standards.’ The department shall promulgate rules that establish standards that the owner of a facility where the public congregates shall meet to achieve the equal speed of access required under par. (a) subd. 1.

(c) 1. ‘Exemptions established.’ (intro.) This section subsection does not apply to any of the following:

2. ‘Mixed-use facilities.’ If a facility where the public congregates contains a hotel, restaurant, or school, the requirements of this section shall subsection apply only to the portion of the facility where the public congregates that is not part of the hotel, restaurant, or school.

(d) 1. ‘Six months after rules promulgated.’ (intro.) This section subsection applies to any facility where the public congregates at which the following events begin on or after the first day of the 7th month beginning after the department promulgates rules under this section subsection:

2. ‘Renovations or additions.’ In any existing facility where the public congregates to which this section subsection applies under par. (a) 3. to 5. subd. 1.
c. to e., the requirements of this section subsection apply only to the renovated portion of the facility or to the structural or land addition of the facility.

SECTION 3. 101.128 (2m) of the statutes is created to read:

101.128 (2m) DIAPER CHANGING STATIONS. (a) The owner of a public building or place of employment that contains restrooms that are open to the public shall install and maintain diaper changing stations according to one of the following standards:

1. If the public building or place of employment contains restrooms that are designated for use by only one gender, at least one diaper changing station in a women’s restroom and at least one diaper changing station in a men’s restroom.

2. If the public building or place of employment contains restrooms that are designated for use by all genders, at least one diaper changing station in an all-gender restroom.

(b) This subsection applies to a public building or place of employment to which any of the following applies:

1. The initial construction of the public building or place of employment begins on or after the effective date of this subdivision .... [LRB inserts date].

2. Renovation, as defined in sub. (1m) (a) 4., of the public building or place of employment that affects more than 50 percent of the square footage of a restroom in the public building or place of employment begins on or after the effective date of this subdivision .... [LRB inserts date].

3. Renovation, as defined in sub. (1m) (a) 4., of the public building or place of employment that costs $10,000 or more begins on or after the effective date of this subdivision .... [LRB inserts date].

(c) Notwithstanding par. (b), this subsection does not apply to any of the following:
1. A public building or place of employment that is an industrial building or bar and that does not allow individuals under 18 years of age to enter the premises. In this subdivision, “bar” means an establishment that is devoted to the serving of alcoholic beverages for consumption on the premises and that derives no more than 10 percent of its gross revenue from the sale of food consumed on the premises and includes a tavern, nightclub, cocktail lounge, adult entertainment facility, or cabaret.

2. A public building or place of employment described under par. (b) 2. or 3. if all of the following apply:
   a. The owner of the public building or place of employment submits an application for a building permit to perform the renovation described under par. (b) 2. or 3. to the local governmental unit with permitting authority along with a request for a waiver of the requirements under par. (a).
   b. The local governmental unit described under subd. 2. a. determines that compliance with par. (a) is not feasible or would cause the public building or place of employment to violate federal, state, or local access requirements for individuals with disabilities, and the local governmental unit grants the waiver requested under subd. 2. a.

SECTION 4. 101.128 (3m) of the statutes is created to read:

101.128 (3m) IDENTIFICATION OF DIAPER CHANGING STATIONS. The owner of a public building or place of employment that contains restrooms that are open to the public shall identify any restroom that contains a diaper changing station with a sign on the entrance to the restroom that indicates the location of the diaper changing station.

SECTION 5. Effective date.
(1) This act takes effect on January 1, 2023.

(END)