



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-5427/1
KP:cjs

2021 SENATE BILL 864

January 13, 2022 - Introduced by Senators LARSON, ROYS, AGARD, JOHNSON, SMITH and L. TAYLOR, cosponsored by Representatives BROSTOFF, BOWEN, MOORE OMOKUNDE, SHELTON, ANDRACA, ANDERSON, CABRERA, CONLEY, CONSIDINE, EMERSON, HEBL, HESSELBEIN, HONG, L. MYERS, POPE, SINICKI, SPREITZER, STUBBS, SUBECK and VINING. Referred to Committee on Government Operations, Legal Review and Consumer Protection.

1 **AN ACT to renumber and amend** 101.128; and **to create** 101.128 (title), 101.128
2 (2m) and 101.128 (3m) of the statutes; **relating to:** requiring the installation
3 and identification of diaper changing stations in public buildings and places of
4 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:

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

SENATE BILL 864**SECTION 1**

1 **101.128** (title) **Restrooms.**

2 **SECTION 2.** 101.128 of the statutes is renumbered 101.128 (1m), and 101.128
3 (1m) (title), (a) (intro.) and 4. (intro.), (b) (title) and 2., (c) 1. (intro.) and 2. and (d) 1.
4 (intro.) and 2., as renumbered, are amended to read:

5 101.128 **(1m)** (title) ~~RESTROOM~~ SPEED OF ACCESS EQUITY. (a) *Definitions.* (intro.)

6 In this section subsection:

7 4. (intro.) “Renovation” means any structural remodeling, improvement, or
8 alteration of an existing facility ~~where the public congregates~~ structure.

9 “Renovation” does not include any of the following:

10 (b) (title) ~~Restroom requirements~~ Requirements.

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

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

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

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

24 2. ‘Renovations or additions.’ In any existing facility where the public
25 congregates to which this ~~section~~ subsection applies under ~~par. (a) 3. to 5.~~ subd. 1.

SENATE BILL 864

1 c. to e., the requirements of this ~~section~~ subsection apply only to the renovated
2 portion of the facility or to the structural or land addition of the facility.

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

4 101.128 **(2m)** DIAPER CHANGING STATIONS. (a) The owner of a public building or
5 place of employment that contains restrooms that are open to the public shall install
6 and maintain diaper changing stations according to one of the following standards:

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

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

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

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

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

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

24 (c) Notwithstanding par. (b), this subsection does not apply to any of the
25 following:

SENATE BILL 864**SECTION 3**

1 1. A public building or place of employment that is an industrial building or bar
2 and that does not allow individuals under 18 years of age to enter the premises. In
3 this subdivision, “bar” means an establishment that is devoted to the serving of
4 alcoholic beverages for consumption on the premises and that derives no more than
5 10 percent of its gross revenue from the sale of food consumed on the premises and
6 includes a tavern, nightclub, cocktail lounge, adult entertainment facility, or
7 cabaret.

8 2. A public building or place of employment described under par. (b) 2. or 3. if
9 all of the following apply:

10 a. The owner of the public building or place of employment submits an
11 application for a building permit to perform the renovation described under par. (b)
12 2. or 3. to the local governmental unit with permitting authority along with a request
13 for a waiver of the requirements under par. (a).

14 b. The local governmental unit described under subd. 2. a. determines that
15 compliance with par. (a) is not feasible or would cause the public building or place
16 of employment to violate federal, state, or local access requirements for individuals
17 with disabilities, and the local governmental unit grants the waiver requested under
18 subd. 2. a.

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

20 101.128 **(3m)** IDENTIFICATION OF DIAPER CHANGING STATIONS. The owner of a
21 public building or place of employment that contains restrooms that are open to the
22 public shall identify any restroom that contains a diaper changing station with a sign
23 on the entrance to the restroom that indicates the location of the diaper changing
24 station.

25 **SECTION 5. Effective date.**

