

No. 1990-185

AN ACT

HB 2033

Providing for restrooms in facilities where the public congregates; and requiring that restroom facilities be provided for women on an equitable basis.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Statement of purpose.

The purpose of this act is to end the inequitable delays which women face when they need to use restroom facilities in public places when men are rarely required to wait for the same purpose.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Department.” The Department of Labor and Industry of the Commonwealth of Pennsylvania.

“Facilities where the public congregates.” Sports and entertainment arenas, stadiums, community and convention halls, specialty event centers, amusement facilities, ski resorts and public middle schools and high schools. The term includes specialty event centers in public parks.

“Public building.” A building owned or leased by the Commonwealth, an agency or instrumentality of the Commonwealth or a political subdivision.

“Renovation.”

(1) The rehabilitation of an existing building which requires more than 50% of the gross floor area or volume of the entire building to be rebuilt.

Cosmetic work such as painting, wall covering, wall paneling, floor covering and suspended ceiling work shall not be included; or

(2) any addition to an existing building.

The provisions of this act shall only apply to such portion of the building being renovated and not to the entire building.

“Specialty event center.” An open arena used for rallies, concerts, exhibits, etc., with no permanent structure for purposes of assembly.

Section 3. Restroom requirements.

Publicly and privately owned facilities where the public congregates shall be equipped with sufficient temporary or permanent restrooms to meet the needs of the public at peak hours. More water closets and lavatories shall be provided for women than for men by a ratio determined by the department. Facilities shall conform with and be approved by the department in accordance with the provisions of the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act.

Section 4. Standards.

The department shall adopt, by regulation, standards with respect to all public and private facilities where the public congregates, unless such facilities are exempt from coverage under section 6.

Section 5. Applicability.

This act shall apply to facilities where the public congregates which commence construction, or which undertake structural alterations or renovations exceeding 50% of the entire facility, on or after January 1, 1990. Implementation of the provisions of this act shall be based upon contracts for design or construction signed on or after the effective date of the rules and regulations promulgated under this act.

Section 6. Exemptions.

This act shall not apply to the following:

(1) Any hotel. For purposes of this section, "hotel" means an establishment in which there exists the relationship of guests and innkeeper between the occupants and the owner or operator of the establishment. The existence of some other legal relationship between the occupants and owner or operator shall be immaterial.

(2) Any public eating or drinking place as defined in the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law.

(3) Community and municipal parks with seating capacity for less than 500 persons.

Section 7. Effective date.

This act shall take effect in 120 days.

APPROVED—The 17th day of December, A. D. 1990.

ROBERT P. CASEY