

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0047.03 Jessica Herrera x4218

HOUSE BILL 23-1057

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House Committees

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Appropriations

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A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT CERTAIN PUBLIC BUILDINGS HAVE**
102 **RESTROOMS WITH AMENITIES FOR ALL GENDERS, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Effective January 1, 2024, the bill requires each newly constructed public building and each public building in which restroom renovations are estimated to cost \$10,000 or more that is wholly or partly owned by the state, a county, or a local municipality to:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
3rd Reading Unamended
May 5, 2023

SENATE
Amended 2nd Reading
May 4, 2023

HOUSE
3rd Reading Unamended
April 24, 2023

HOUSE
Amended 2nd Reading
April 21, 2023

- Provide a non-gendered restroom facility or a multi-stall non-gendered facility on each floor where restrooms are available;
- Ensure that all single-stall restrooms are not designated for exclusive use by any specific gender;
- Allow for the use of multi-stall restrooms by any gender if certain facility features are met under the 2021 International Plumbing Code; and
- Provide at least one safe, sanitary, and convenient baby diaper changing station that is accessible to the public on each floor where there is a public restroom in each gender-specific restroom, non-gendered multi-stall restroom, and non-gendered single-stall restroom.

The bill also requires each newly constructed public building and each public building in which restroom renovations are estimated to cost \$10,000 or more that is wholly or partly owned by the state, a county, or a local municipality to include signage indicating the presence of a baby diaper changing station with a pictogram that is void of gender in all restrooms with baby diaper changing stations, in all non-gendered restrooms, and in all single-stalled restrooms.

The bill also requires each newly constructed public building and each public building in which restroom renovations are estimated to cost \$10,000 or more that is wholly or partly owned by the state, a county, or a local municipality to indicate in the central building directory, if such a directory exists, the location of any baby diaper changing station and of any non-gendered restroom.

The bill exempts the requirements of including a baby diaper changing station in any restroom and any construction necessary to comply with providing an accessible non-gendered restroom if the requirement would result in failure to comply with applicable building standards governing the right of access for individuals with disabilities.

The bill clarifies that an employee with a designated workplace in a public building may undertake the complaint process for alleged discriminatory or unfair practices including the failure to comply with providing the required amenities to all genders, as required, with the Colorado civil rights division charged with the enforcement of the Colorado anti-discrimination act.

1 *Be it enacted by the General Assembly of the State of Colorado:*

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

4 **ARTICLE 5.7**

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

2 **9-5.7-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY
3 FINDS AND DECLARES THAT:

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

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

25 (c) MEN'S RESTROOMS AND SINGLE-STALL RESTROOMS TYPICALLY
26 DO NOT PROVIDE BABY DIAPER CHANGING STATIONS. THIS CREATES
27 ACCESSIBILITY INEQUITY FOR PARENTS AND CARE PROVIDERS WHO DO NOT

1 IDENTIFY AS WOMEN OR WHO MAY NOT BE COMFORTABLE USING WOMEN'S
2 RESTROOMS, AND CREATES POTENTIAL HEALTH AND SAFETY PROBLEMS
3 FOR BABIES. WITHOUT CLEAN AND SAFE BABY DIAPER CHANGING
4 STATIONS, THESE CARE PROVIDERS MAY BE FORCED TO RESORT TO UNSAFE
5 AND UNSANITARY LOCATIONS, SUCH AS RESTROOM FLOORS, TO CHANGE
6 BABIES' DIAPERS. REQUIRING EQUITABLE ACCESS TO AMENITIES IN PUBLIC
7 RESTROOMS WOULD MAKE IT EASIER FOR PARENTS AND CARE PROVIDERS
8 OF ALL GENDERS TO FIND A SAFE AND SUITABLE PLACE TO CHANGE BABIES'
9 DIAPERS. PROVIDING SAFE, RELIABLE, AND CLEAN BABY DIAPER CHANGING
10 STATIONS IN ALL RESTROOM FACILITIES ENABLES BETTER CARE TAKING FOR
11 INFANTS BY ALL PARENTS AND CARE PROVIDERS, AND SAFER CONDITIONS
12 FOR INFANTS.

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

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

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

14 **9-5.7-102. Definitions.** AS USED IN THIS ARTICLE 5.7, UNLESS THE
15 CONTEXT OTHERWISE REQUIRES:

16 (1) "ACCESSIBLE TO THE PUBLIC" MEANS ANY INDOOR OR
17 OUTDOOR SPACE OR AREA THAT IS OPEN TO THE PUBLIC. THIS DOES NOT
18 INCLUDE PRIVATE OFFICES OR WORKSPACES THAT ARE GENERALLY NOT
19 OPEN TO CUSTOMERS OR PUBLIC VISITORS.

20 (2) "CERTIFIED HISTORIC STRUCTURE" MEANS A PROPERTY
21 LOCATED IN COLORADO THAT HAS BEEN CERTIFIED BY THE STATE
22 HISTORICAL SOCIETY OR AN ENTITY OTHER THAN THE OWNER OF THE
23 PROPERTY THAT IS AUTHORIZED, PURSUANT TO SECTION 24-80.1-105 (1),
24 TO NOMINATE PROPERTIES TO THE STATE REGISTER OF HISTORIC
25 PROPERTIES AS A HISTORIC STRUCTURE BECAUSE IT HAS BEEN:

26 (a) LISTED INDIVIDUALLY ON, OR AS A CONTRIBUTING PROPERTY
27 IN A DISTRICT INCLUDED WITHIN, THE NATIONAL REGISTER OF HISTORIC

1 PLACES;

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

5 (c) LISTED INDIVIDUALLY BY, OR AS A CONTRIBUTING PROPERTY
6 WITHIN A DESIGNATED HISTORIC DISTRICT OF, A CERTIFIED LOCAL
7 GOVERNMENT.

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

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

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

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

22 (7) (a) "RENOVATION OF A RESTROOM" MEANS CONSTRUCTION TO
23 A RESTROOM:

24 (I) FOR WHICH A PERMIT IS REQUIRED OTHER THAN FOR A REPAIR;

25 AND

26 (II) THAT INCLUDES CHANGING THE STRUCTURE BY:

27 (A) INCREASING THE SQUARE FOOTAGE;

1 (B) INSTALLING OR MODIFYING A PLUMBING OR ELECTRIC SYSTEM;

2 (C) ADDING, GUTTING, OR REMOVING EXTERIOR RESTROOM
3 WALLS; OR

4 (D) INSTALLING A HEATING, VENTILATION, OR AIR CONDITIONING
5 SYSTEM.

6 (b) FOR PURPOSES OF THIS SECTION, RENOVATION DOES NOT
7 INCLUDE REPAIRS TO OR REPLACEMENT OF FIXTURES OR FEATURES OF THE
8 RESTROOM IN ORDER TO RESTORE SOMETHING THAT IS DAMAGED,
9 DETERIORATED, OR BROKEN IN A RESTROOM TO ITS ORIGINAL FUNCTION
10 THAT DOES NOT MEET THE CRITERIA DESCRIBED IN SUBSECTION (7)(a) OF
11 THIS SECTION.

12 (8) "PUBLIC ENTITY" MEANS A STATE DEPARTMENT OR STATE
13 AGENCY, STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN
14 SECTION 23-18-102 (10), A COUNTY, A CITY AND COUNTY, OR A
15 MUNICIPALITY. FOR PURPOSES OF THIS ARTICLE 5.7, A STATE AGENCY DOES
16 NOT INCLUDE ANY BUILDING OWNED AND OPERATED AS AN EDUCATION
17 FACILITY BY THE DEPARTMENT OF EDUCATION OR A SCHOOL DISTRICT,
18 CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL.

19 **9-5.7-103. Restrooms - baby diaper changing stations -**
20 **applicability - signage - enforcement.** (1) ON AND AFTER JANUARY 1,
21 2024, A BUILDING THAT IS WHOLLY OR PARTIALLY OWNED BY A PUBLIC
22 ENTITY THAT IS:

23 (a) SCHEDULED FOR RENOVATION OF A RESTROOM MUST:

24 (I) PROVIDE A NON-GENDERED SINGLE-STALL RESTROOM OR A
25 NON-GENDERED MULTI-STALL RESTROOM WHERE A RESTROOM IS
26 ACCESSIBLE TO THE PUBLIC;

27 (II) ENSURE THAT ANY SINGLE-STALL RESTROOM IS NOT A

1 GENDER-SPECIFIC RESTROOM;

2 (III) ALLOW FOR THE USE OF A MULTI-STALL RESTROOM BY ANY
3 GENDER IF CERTAIN FACILITY FEATURES ARE MET PURSUANT TO THE I.P.C.
4 OR ANY SUBSEQUENT INTERNATIONAL PLUMBING CODE ADOPTED AS PART
5 OF THE COLORADO PLUMBING CODE AND THE COLORADO FUEL GAS CODE
6 ADOPTED BY THE STATE PLUMBING BOARD PURSUANT TO SECTION
7 12-155-106;

8 (IV) PROVIDE ANY CAREGIVER ON THE GENDER BINARY THAT IS
9 CARING FOR AN INFANT ACCESS TO AT LEAST ONE SAFE, SANITARY, AND
10 CONVENIENT BABY DIAPER CHANGING STATION WHERE A RESTROOM IS
11 ACCESSIBLE TO THE PUBLIC AS FOLLOWS:

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

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

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

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

24 (V) ENSURE THAT EACH BABY DIAPER CHANGING STATION IS
25 MAINTAINED, REPAIRED, AND REPLACED AS NECESSARY TO ENSURE
26 SAFETY AND EASE OF USE AND CLEANED WITH THE SAME FREQUENCY AS
27 THE RESTROOM IN WHICH IT IS LOCATED OR RESTROOMS ON THE SAME

1 FLOOR OR IN THE SAME SPACE IF THE CHANGING TABLE IS LOCATED IN A
2 RESTROOM.

3 (b) A NEWLY CONSTRUCTED BUILDING ON EACH FLOOR MUST:

4 (I) PROVIDE A NON-GENDERED SINGLE-STALL RESTROOM OR A
5 NON-GENDERED MULTI-STALL RESTROOM ON EACH FLOOR WHERE A
6 RESTROOM IS ACCESSIBLE TO THE PUBLIC;

7 (II) ENSURE THAT ANY SINGLE-STALL RESTROOM IS NOT A
8 GENDER-SPECIFIC RESTROOM;

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

15 (IV) PROVIDE ANY CAREGIVER ON THE GENDER BINARY THAT IS
16 CARING FOR AN INFANT ACCESS TO AT LEAST ONE SAFE, SANITARY, AND
17 CONVENIENT BABY DIAPER CHANGING STATION THAT IS ACCESSIBLE TO
18 THE PUBLIC ON EACH FLOOR WHERE THERE IS A RESTROOM ACCESSIBLE TO
19 THE PUBLIC AND THAT INCLUDES:

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

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

26 (C) IF A NON-GENDERED MULTI-STALL RESTROOM IS AVAILABLE,
27 AT LEAST ONE CHANGING TABLE IN THAT RESTROOM, AND PUBLIC ENTITIES

1 ARE ENCOURAGED TO ALSO PROVIDE CHANGING TABLES IN EACH OF THE
2 GENDER-SPECIFIC RESTROOMS; OR

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

5 (V) ENSURE THAT EACH BABY DIAPER CHANGING STATION IS
6 MAINTAINED, REPAIRED, AND REPLACED AS NECESSARY TO ENSURE
7 SAFETY AND EASE OF USE AND CLEANED WITH THE SAME FREQUENCY AS
8 THE RESTROOM IN WHICH IT IS LOCATED OR RESTROOMS ON THE SAME
9 FLOOR OR IN THE SAME SPACE IF THE CHANGING TABLE IS NOT LOCATED IN
10 A RESTROOM.

11 (2) ON AND AFTER JULY 1, 2025, A BUILDING THAT IS WHOLLY OR
12 PARTIALLY OWNED BY A PUBLIC ENTITY THAT:

13 (a) IS ACCESSIBLE TO EMPLOYEES OR ENROLLED STUDENTS AND
14 THAT IS SCHEDULED FOR RENOVATION OF A RESTROOM MUST:

15 (I) PROVIDE A NON-GENDERED SINGLE-STALL RESTROOM OR A
16 NON-GENDERED MULTI-STALL RESTROOM;

17 (II) ENSURE THAT ANY SINGLE-STALL RESTROOM IS NOT A
18 GENDER-SPECIFIC RESTROOM; AND

19 (III) ALLOW FOR THE USE OF A MULTI-STALL RESTROOM BY ANY
20 GENDER IF CERTAIN FACILITY FEATURES ARE MET PURSUANT TO THE I.P.C.
21 OR ANY SUBSEQUENT INTERNATIONAL PLUMBING CODE ADOPTED AS PART
22 OF THE COLORADO PLUMBING CODE AND THE COLORADO FUEL GAS CODE
23 ADOPTED BY THE STATE PLUMBING BOARD PURSUANT TO SECTION
24 12-155-106.

25 (b) IS A NEWLY CONSTRUCTED BUILDING ON EACH FLOOR MUST:

26 (I) PROVIDE A NON-GENDERED SINGLE-STALL RESTROOM OR A
27 NON-GENDERED MULTI-STALL RESTROOM;

1 (II) ENSURE THAT ANY SINGLE-STALL RESTROOM IS NOT A
2 GENDER-SPECIFIC RESTROOM; AND

3 (III) ALLOW FOR THE USE OF A MULTI-STALL RESTROOM BY ANY
4 GENDER IF CERTAIN FACILITY FEATURES ARE MET PURSUANT TO THE I.P.C.,
5 OR ANY SUBSEQUENT INTERNATIONAL PLUMBING CODE ADOPTED AS PART
6 OF THE COLORADO PLUMBING CODE OR THE COLORADO FUEL GAS CODE
7 ADOPTED BY THE STATE PLUMBING BOARD PURSUANT TO SECTION
8 12-155-106.

9 (3) BEGINNING JULY 1, 2024, BUT NO LATER THAN JULY 1, 2026,
10 SUBJECT TO AVAILABLE APPROPRIATIONS FOR PUBLIC ENTITIES THAT ARE
11 A STATE AGENCY, A BUILDING THAT IS WHOLLY OR PARTIALLY OWNED OR
12 LEASED BY A PUBLIC ENTITY MUST ENSURE THAT SIGNAGE FOR THE
13 BUILDING OR THE PORTION OF THE BUILDING LEASED OR OWNED COMPLIES
14 WITH THE FOLLOWING SIGNAGE REQUIREMENTS:

15 (a) ANY RESTROOM WITH A BABY DIAPER CHANGING STATION
16 MUST HAVE SIGNAGE WITH A PICTOGRAM VOID OF GENDER THAT
17 INDICATES THE PRESENCE OF THE BABY DIAPER CHANGING STATION;

18 (b) ANY NON-GENDERED MULTI-STALL RESTROOM OR
19 SINGLE-GENDERED OR NON-GENDERED SINGLE-STALL RESTROOM MUST
20 HAVE SIGNAGE WITH A PICTOGRAM VOID OF GENDER;

21 (c) EACH BUILDING THAT IS ACCESSIBLE TO THE PUBLIC MUST
22 INCLUDE SIGNAGE AT OR NEAR THE ENTRANCE TO THE BUILDING
23 INDICATING THE LOCATION OF RESTROOMS AND BABY DIAPER CHANGING
24 STATIONS. IF THERE IS A CENTRAL DIRECTORY ACCESSIBLE TO THE PUBLIC
25 IDENTIFYING THE LOCATION OF OFFICES, RESTROOMS, AND OTHER
26 FACILITIES IN THE BUILDINGS, THAT CENTRAL DIRECTORY MUST INDICATE
27 WITH A PICTOGRAM VOID OF GENDER THE LOCATION OF ANY BABY DIAPER

1 CHANGING STATION AND THE LOCATION OF ANY NON-GENDERED
2 MULTI-STALL RESTROOM OR SINGLE-STALL RESTROOM.

3 (d) ALL BUILDINGS ACCESSIBLE TO THE PUBLIC WITH
4 NON-GENDERED MULTI-STALL RESTROOMS OR NON-GENDERED
5 SINGLE-STALL RESTROOMS MUST UPDATE SIGNAGE, IF NECESSARY, TO
6 INCLUDE A PICTOGRAM VOID OF GENDER.

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

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

16 (a) A LOCAL BUILDING PERMITTING ENTITY OR BUILDING
17 INSPECTOR DETERMINES THAT THE INSTALLATION OF A BABY DIAPER
18 CHANGING STATION IN ACCORDANCE WITH SUBSECTION (1)(d) OF THIS
19 SECTION WOULD RESULT IN A FAILURE TO COMPLY WITH APPLICABLE
20 BUILDING STANDARDS GOVERNING THE RIGHT OF ACCESS FOR INDIVIDUALS
21 WITH DISABILITIES. THE PERMITTING ENTITY OR BUILDING INSPECTOR MAY
22 GRANT AN EXEMPTION FROM THE REQUIREMENTS OF THIS SECTION UNDER
23 THOSE CIRCUMSTANCES, PROVIDED THAT THERE IS DOCUMENTATION
24 DEMONSTRATING THAT NO ALTERNATIVE DESIGN IS POSSIBLE THAT
25 COMPLIES WITH THE RIGHT OF ACCESS FOR INDIVIDUALS WITH DISABILITIES
26 AND A GOOD FAITH ATTEMPT HAS BEEN MADE TO DESIGN A RESTROOM IN
27 A MANNER THAT WOULD ACCOMMODATE INDIVIDUALS WITH DISABILITIES

1 AND THE INSTALLATION OF A BABY DIAPER CHANGING STATION IN
2 ACCORDANCE WITH SUBSECTION (1)(d) OF THIS SECTION.

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

8 (c) THE BUILDING IS DESIGNATED AS A CERTIFIED HISTORIC
9 STRUCTURE.

10 (6) ANY EMPLOYEE WITH A DESIGNATED WORKPLACE THAT IS IN
11 A BUILDING WHOLLY OR PARTIALLY OWNED BY A PUBLIC ENTITY WHO
12 CLAIMS TO BE AGGRIEVED BY A DISCRIMINATORY OR UNFAIR PRACTICE AS
13 DEFINED BY PART 4 OF ARTICLE 34 OF TITLE 24, INCLUDING FAILURE TO
14 COMPLY WITH THIS ARTICLE 5.7, MAY INDIVIDUALLY OR THROUGH THEIR
15 ATTORNEY-AT-LAW MAKE, SIGN, AND FILE WITH THE COLORADO CIVIL
16 RIGHTS DIVISION, CREATED IN SECTION 24-34-302, A VERIFIED WRITTEN
17 CHARGE STATING THE NAME AND ADDRESS OF THE RESPONDENT ALLEGED
18 TO HAVE COMMITTED THE DISCRIMINATORY OR UNFAIR PRACTICE. THE
19 CHARGE MUST SET FORTH THE PARTICULARS OF THE ALLEGED
20 DISCRIMINATORY OR UNFAIR PRACTICE, AND CONTAINING ANY OTHER
21 INFORMATION REQUIRED BY THE COLORADO CIVIL RIGHTS DIVISION.

22 **9-5.7-104. Restroom survey of state-owned buildings - priority**
23 **of modifications.** (1) (a) THE DEPARTMENT OF PERSONNEL SHALL
24 COMPLETE A SURVEY AND PROVIDE IT TO THE GENERAL ASSEMBLY AND
25 THE CAPITAL DEVELOPMENT COMMITTEE DETERMINING THE NUMBER AND
26 LOCATIONS OF SIGNS THAT NEED TO BE REPLACED OR MODIFIED PURSUANT
27 TO SECTION 9-5.7-103 (3) FOR EXISTING RESTROOMS ACROSS ALL

1 BUILDINGS WHOLLY OR PARTIALLY OWNED BY THE STATE.

2 (b) FOR A BUILDING THAT IS WHOLLY OR PARTIALLY OWNED OR
3 LEASED BY THE STATE OR A STATE AGENCY, IF SIGNAGE IS NEEDED AT
4 EITHER THE RESTROOM LOCATION OR THE DIRECTORY, A PUBLIC ENTITY
5 THAT IS A STATE AGENCY OR A STATE INSTITUTION OF HIGHER EDUCATION
6 SHALL PROVIDE INFORMATION ON THE NUMBER AND LOCATIONS OF SIGNS
7 THAT NEED TO BE MODIFIED AND MAY REQUEST STATE FUNDING SUBJECT
8 TO AVAILABLE APPROPRIATIONS IN ORDER TO COMPLY WITH SECTION
9 9-5.7-103 (3) TO THE STATE ARCHITECT.

10 (2) THE DEPARTMENT OF PERSONNEL SHALL PROVIDE AN INTERIM
11 REPORT TO THE GENERAL ASSEMBLY AND THE CAPITAL DEVELOPMENT
12 COMMITTEE BY JANUARY 1, 2024, AND A FINAL REPORT BY JULY 1, 2024.

13 (3) FOR PURPOSES OF COMPLYING WITH SECTION 9-5.7-103 (3), THE
14 DEPARTMENT OF PERSONNEL SHALL PRIORITIZE THE PLACEMENT OF
15 SIGNAGE IN BUILDINGS OR PORTIONS OF BUILDINGS THAT ARE ACCESSIBLE
16 TO THE PUBLIC.

17 **SECTION 2. Appropriation.** (1) For the 2023-24 state fiscal
18 year, \$450,000 is appropriated to the department of personnel for use by
19 the office of the state architect. This appropriation is from the general
20 fund. To implement this act, the office may use this appropriation as
21 follows:

22 (a) \$400,000 for statewide planning services; and

23 (b) \$50,000 for a restroom survey of state-owned buildings.

24 (2) Any money appropriated under subsection (1)(a) of this
25 section not expended prior to July 1, 2024, is further appropriated to the
26 office for the 2024-25 and 2025-26 state fiscal years for the same
27 purpose.

1 **SECTION 3. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly; except
4 that, if a referendum petition is filed pursuant to section 1 (3) of article V
5 of the state constitution against this act or an item, section, or part of this
6 act within such period, then the act, item, section, or part will not take
7 effect unless approved by the people at the general election to be held in
8 November 2023 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.