

HB1057\_L.003

HOUSE COMMITTEE OF REFERENCE AMENDMENT

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

HB23-1057 be amended as follows:

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

30 (c) MEN'S RESTROOMS AND SINGLE-STALL RESTROOMS TYPICALLY  
31 DO NOT PROVIDE BABY DIAPER CHANGING STATIONS. THIS CREATES  
32 ACCESSIBILITY INEQUITY FOR PARENTS AND CARE PROVIDERS WHO DO NOT  
33 IDENTIFY AS WOMEN OR WHO MAY NOT BE COMFORTABLE USING WOMEN'S  
34 RESTROOMS, AND CREATES POTENTIAL HEALTH AND SAFETY PROBLEMS  
35 FOR BABIES. WITHOUT CLEAN AND SAFE BABY DIAPER CHANGING  
36 STATIONS, THESE CARE PROVIDERS MAY BE FORCED TO UNSAFE  
37 AND UNSANITARY LOCATIONS, SUCH AS RESTROOM FLOORS, TO CHANGE  
38 BABIES' DIAPERS. REQUIRING EQUITABLE ACCESS TO AMENITIES IN PUBLIC  
39 RESTROOMS WOULD MAKE IT EASIER FOR PARENTS AND CARE PROVIDERS  
40 OF ALL GENDERS TO FIND A SAFE AND SUITABLE PLACE TO CHANGE BABIES'

1 DIAPERS. PROVIDING SAFE, RELIABLE, AND CLEAN BABY DIAPER CHANGING  
2 STATIONS IN ALL RESTROOM FACILITIES ENABLES BETTER CARE TAKING FOR  
3 INFANTS BY ALL PARENTS AND CARE PROVIDERS, AND SAFER CONDITIONS  
4 FOR INFANTS.

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

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

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

33 **9-5.7-102. Definitions.** AS USED IN THIS ARTICLE 5.7, UNLESS THE  
34 CONTEXT OTHERWISE REQUIRES:

35 (1) "CERTIFIED HISTORIC STRUCTURE" MEANS A PROPERTY  
36 LOCATED IN COLORADO THAT HAS BEEN CERTIFIED BY THE STATE  
37 HISTORICAL SOCIETY OR AN ENTITY OTHER THAN THE OWNER OF THE  
38 PROPERTY THAT IS AUTHORIZED, PURSUANT TO SECTION 24-80.1-105 (1),  
39 TO NOMINATE PROPERTIES TO THE STATE REGISTER OF HISTORIC  
40 PROPERTIES AS A HISTORIC STRUCTURE BECAUSE IT HAS BEEN:

41 (a) LISTED INDIVIDUALLY ON, OR AS A CONTRIBUTING PROPERTY  
42 IN A DISTRICT INCLUDED WITHIN, THE NATIONAL REGISTER OF HISTORIC  
43 PLACES;

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

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

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

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

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

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

21 (6) "RENOVATION OF A RESTROOM" MEANS CONSTRUCTION TO A  
22 RESTROOM FOR WHICH A PERMIT IS REQUIRED, OTHER THAN A REPAIR,  
23 THAT INCLUDES CHANGING THE STRUCTURE BY INCREASING THE SQUARE  
24 FOOTAGE; INSTALLING OR MODIFYING A PLUMBING OR ELECTRIC SYSTEM;  
25 ADDING, GUTTING OR REMOVING WALLS; OR INSTALLING A HEATING,  
26 VENTILATION OR AIR CONDITIONING SYSTEM.

27 (7) "PUBLIC ENTITY" MEANS A STATE INSTITUTION OF HIGHER  
28 EDUCATION, AS DEFINED IN SECTION 23-18-102 (10), A COUNTY, A CITY  
29 AND COUNTY, OR A MUNICIPALITY. FOR PURPOSES OF THIS ARTICLE 5.7, A  
30 STATE AGENCY DOES NOT INCLUDE ANY BUILDING OWNED AND OPERATED  
31 AS AN EDUCATION FACILITY BY A SCHOOL DISTRICT, CHARTER SCHOOL, OR  
32 INSTITUTE CHARTER SCHOOL.

33 **9-5.7-103. Restrooms - baby diaper changing stations -**  
34 **applicability - signage - enforcement.** (1) ON AND AFTER JANUARY 1,  
35 2024, A PUBLIC BUILDING THAT IS WHOLLY OR PARTIALLY OWNED BY THE  
36 STATE OR A STATE AGENCY THAT IS SCHEDULED FOR RENOVATION OF A  
37 RESTROOM OR NEWLY CONSTRUCTED BUILDING MUST, IN ANY PORTION  
38 THAT IS ACCESSIBLE TO THE PUBLIC:

39 (a) PROVIDE A NON-GENDERED SINGLE-STALL RESTROOM OR A  
40 NON-GENDERED MULTI-STALL RESTROOM ON EACH FLOOR WHERE A  
41 RESTROOM IS PUBLICLY AVAILABLE;

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

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

7 (d) (I) PROVIDE AT LEAST ONE SAFE, SANITARY, AND CONVENIENT  
8 BABY DIAPER CHANGING STATION THAT IS ACCESSIBLE TO THE PUBLIC ON  
9 EACH FLOOR WHERE THERE IS A PUBLIC RESTROOM IN EACH  
10 GENDER-SPECIFIC RESTROOM, NON-GENDERED MULTI-STALL RESTROOM,  
11 AND NON-GENDERED SINGLE-STALL RESTROOM IF SUCH RESTROOMS EXIST,  
12 OR A LOCATION WITH EQUIVALENT PRIVACY AND AMENITIES AS A  
13 RESTROOM; AND

14 (II) ENSURE THAT EACH BABY DIAPER CHANGING STATION IS  
15 MAINTAINED, REPAIRED, AND REPLACED AS NECESSARY TO ENSURE  
16 SAFETY AND EASE OF USE AND CLEANED WITH THE SAME FREQUENCY AS  
17 THE RESTROOM IN WHICH IT IS LOCATED OR RESTROOMS ON THE SAME  
18 FLOOR OR IN THE SAME SPACE IF THE CHANGING TABLE IS NOT LOCATED IN  
19 A RESTROOM.

20 (2) ON AND AFTER JULY 1, 2025, A BUILDING THAT IS WHOLLY OR  
21 PARTIALLY OWNED BY THE STATE OR A STATE AGENCY AND THAT IS  
22 EITHER A NEWLY CONSTRUCTED BUILDING THAT IS ACCESSIBLE TO  
23 EMPLOYEES OR ENROLLED STUDENTS OR IS UNDERGOING A RESTROOM  
24 RENOVATION MUST:

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

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

30 (c) ALLOW FOR THE USE OF A MULTI-STALL RESTROOM BY ANY  
31 GENDER IF CERTAIN FACILITY FEATURES ARE MET PURSUANT TO THE I.P.C.,  
32 OR ANY SUBSEQUENT INTERNATIONAL PLUMBING CODE ADOPTED AS PART  
33 OF THE COLORADO PLUMBING CODE OR THE COLORADO FUEL GAS CODE  
34 ADOPTED BY THE STATE PLUMBING BOARD PURSUANT TO SECTION  
35 12-155-106.

36 (3) ON AND AFTER JULY 1, 2024, A BUILDING THAT IS WHOLLY OR  
37 PARTIALLY OWNED OR LEASED BY THE STATE OR A STATE AGENCY, MUST  
38 ENSURE THAT SIGNAGE FOR THE BUILDING OR THE PORTION OF THE  
39 BUILDING LEASED OR OWNED COMPLIES WITH THE FOLLOWING SIGNAGE  
40 REQUIREMENTS:

41 (a) ANY RESTROOM WITH A BABY DIAPER CHANGING STATION  
42 MUST HAVE SIGNAGE WITH A PICTOGRAM VOID OF GENDER THAT  
43 INDICATES THE PRESENCE OF THE BABY DIAPER CHANGING STATION;

1 (b) ANY NON-GENDERED MULTI-STALL RESTROOM OR  
2 NON-GENDERED SINGLE-STALL RESTROOM MUST HAVE SIGNAGE WITH A  
3 PICTOGRAM VOID OF GENDER;

4 (c) EACH BUILDING THAT IS ACCESSIBLE BY THE PUBLIC MUST  
5 INCLUDE SIGNAGE AT OR NEAR THE ENTRANCE TO THE BUILDING  
6 INDICATING THE LOCATION OF RESTROOMS AND BABY DIAPER CHANGING  
7 STATIONS. IF THERE IS A CENTRAL DIRECTORY IDENTIFYING, FOR THE  
8 BENEFIT OF THE PUBLIC, THE LOCATION OF OFFICES, RESTROOMS, AND  
9 OTHER FACILITIES IN THE BUILDINGS, THAT CENTRAL DIRECTORY MUST  
10 INDICATE WITH A PICTOGRAM VOID OF GENDER THE LOCATION OF ANY  
11 BABY DIAPER CHANGING STATION AND THE LOCATION OF ANY  
12 NON-GENDERED MULTI-STALL RESTROOM OR SINGLE-STALL RESTROOM.

13 (d) ALL PUBLIC BUILDINGS WITH EXISTING GENDER-SPECIFIC  
14 RESTROOMS, NON-GENDERED MULTI-STALL RESTROOMS, OR  
15 NON-GENDERED SINGLE-STALL RESTROOMS MUST UPDATE SIGNAGE, IF  
16 NECESSARY, TO INCLUDE A PICTOGRAM VOID OF GENDER.

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

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

26 (a) A LOCAL BUILDING PERMITTING ENTITY OR BUILDING  
27 INSPECTOR DETERMINES THAT THE INSTALLATION OF A BABY DIAPER  
28 CHANGING STATION IN ACCORDANCE WITH SUBSECTION (1)(d) OF THIS  
29 SECTION WOULD RESULT IN A FAILURE TO COMPLY WITH APPLICABLE  
30 BUILDING STANDARDS GOVERNING THE RIGHT OF ACCESS FOR INDIVIDUALS  
31 WITH DISABILITIES. THE PERMITTING ENTITY OR BUILDING INSPECTOR MAY  
32 GRANT AN EXEMPTION FROM THE REQUIREMENTS OF THIS SECTION UNDER  
33 THOSE CIRCUMSTANCES, PROVIDED THAT THERE IS DOCUMENTATION  
34 DEMONSTRATING THAT NO ALTERNATIVE DESIGN IS POSSIBLE THAT  
35 COMPLIES WITH THE RIGHT OF ACCESS FOR INDIVIDUALS WITH DISABILITIES  
36 AND A GOOD FAITH ATTEMPT HAS BEEN MADE TO DESIGN A RESTROOM IN  
37 A MANNER THAT WOULD ACCOMMODATE INDIVIDUALS WITH DISABILITIES  
38 AND THE INSTALLATION OF A BABY DIAPER CHANGING STATION IN  
39 ACCORDANCE WITH SUBSECTION (1)(d) OF THIS SECTION.

40 (b) THE PROJECT HAS ALREADY PROGRESSED THROUGH THE  
41 DESIGN REVIEW PROCESS, BUDGETING, AND FINAL APPROVAL BY THE  
42 GOVERNING BODY THAT HAS FINAL APPROVAL OVER CAPITAL  
43 CONSTRUCTION PROJECT EXPENDITURES AS OF THE EFFECTIVE DATE OF

1 THIS SUBSECTION (5)(b), AS ENACTED BY HOUSE BILL 23-1057.

2 (c) THE BUILDING IS DESIGNATED AS A CERTIFIED HISTORIC  
3 STRUCTURE.

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

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

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