

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 176
HOUSE BILL 2113

AN ACT

AMENDING TITLE 41, CHAPTER 9, ARTICLE 3, ARIZONA REVISED STATUTES, BY
ADDING SECTION 41-1444; RELATING TO PUBLIC ACCOMMODATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 9, article 3, Arizona Revised
3 Statutes, is amended by adding section 41-1444, to read:

4 41-1444. Changing stations; public buildings; definitions

5 A. A PUBLIC ENTITY THAT CONSTRUCTS A NEW RESTROOM THAT IS
6 ACCESSIBLE TO THE PUBLIC IN A PUBLIC BUILDING OR THAT TOTALLY RENOVATES AN
7 EXISTING RESTROOM THAT IS ACCESSIBLE TO BOTH MEN AND WOMEN AND TO THE
8 PUBLIC IN A PUBLIC BUILDING SHALL:

9 1. INCLUDE IN AT LEAST ONE RESTROOM IN EACH BUILDING AT LEAST ONE
10 CHANGING STATION THAT IS CAPABLE OF SERVING BOTH A BABY AND AN ADULT AND
11 THAT IS ACCESSIBLE TO BOTH MEN AND WOMEN.

12 2. PROVIDE SIGNAGE AT OR NEAR THE ENTRANCE TO THE CHANGING STATION
13 INDICATING THE LOCATION OF THE CHANGING STATION.

14 3. INDICATE THE LOCATION OF THE CHANGING STATION IN THE CENTRAL
15 BUILDING DIRECTORY, IF SUCH A DIRECTORY EXISTS.

16 B. THE RESPONSIBLE AUTHORITY MAY GRANT AN EXEMPTION FROM THE
17 REQUIREMENTS OF THIS SECTION IF THE RESPONSIBLE AUTHORITY DETERMINES THAT:

18 1. ANY OF THE FOLLOWING WOULD APPLY TO THE INSTALLATION OF A
19 CHANGING STATION THAT IS CAPABLE OF SERVING BOTH A BABY AND AN ADULT:

20 (a) THE INSTALLATION WOULD NOT BE FEASIBLE.

21 (b) THE INSTALLATION WOULD RESULT IN A FAILURE TO COMPLY WITH THE
22 AMERICANS WITH DISABILITIES ACT STANDARDS FOR ACCESS FOR PERSONS WITH
23 DISABILITIES.

24 (c) THE INSTALLATION WOULD THREATEN OR DESTROY THE HISTORIC
25 SIGNIFICANCE OF A HISTORIC PROPERTY.

26 2. THE PUBLIC BUILDING IS NOT FREQUENTED BY THE PUBLIC.

27 C. THE INSTALLATION OF A CHANGING STATION UNDER THIS SECTION MUST
28 PROVIDE SUFFICIENT CLEAR FLOOR SPACE TO COMPLY WITH THE REQUIREMENTS OF
29 THE 2010 AMERICANS WITH DISABILITIES ACT STANDARDS FOR ACCESSIBLE DESIGN.

30 D. THIS SECTION DOES NOT ESTABLISH A PRIVATE RIGHT OF ACTION.

31 E. FOR THE PURPOSES OF THIS SECTION:

32 1. "PUBLIC BUILDING" MEANS A BUILDING OR APPURTENANCE TO A BUILDING
33 THAT IS BUILT IN WHOLE OR IN PART WITH PUBLIC MONIES.

34 2. "PUBLIC ENTITY" MEANS ANY:

35 (a) STATE OR LOCAL GOVERNMENT.

36 (b) DEPARTMENT, AGENCY, SPECIAL PURPOSE DISTRICT OR OTHER
37 INSTRUMENTALITY OF A STATE OR LOCAL GOVERNMENT, INCLUDING THE LEGISLATURE.

38 3. "RESPONSIBLE AUTHORITY" MEANS AN ORGANIZATION, OFFICE OR
39 INDIVIDUAL RESPONSIBLE FOR ENFORCING THE REQUIREMENTS OF A CODE OR
40 STANDARD OR FOR APPROVING EQUIPMENT, MATERIALS, AN INSTALLATION OR A
41 PROCEDURE.

42 4. "TOTALLY RENOVATES" MEANS TO PERFORM CONSTRUCTION THAT IS AT
43 LEAST \$50,000 AND THAT TOTALLY REMOVES ALL NONSTRUCTURAL INTERIOR WALLS,
44 FLOOR AND CEILING FINISHES, MECHANICAL SYSTEMS, ELECTRICAL SYSTEMS AND
45 PLUMBING FIXTURES AND SUPPLY AND WASTE LINES.

1 5. "2010 AMERICANS WITH DISABILITIES ACT STANDARDS FOR ACCESSIBLE
2 DESIGN" MEANS THE 2010 STANDARDS FOR STATE AND LOCAL GOVERNMENT FACILITIES
3 PRESCRIBED IN 28 CODE OF FEDERAL REGULATIONS SECTION 35.151 AND 36 CODE OF
4 FEDERAL REGULATIONS PART 1191, APPENDICES B AND D.

5 Sec. 2. Applicability

6 Section 41-1444, Arizona Revised Statutes, as added by this act,
7 applies to construction and renovation projects in which the design has
8 been approved on and after January 1, 2020.

APPROVED BY THE GOVERNOR MAY 7, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2019.