

ONE HUNDRED EIGHTH LEGISLATURE - FIRST SESSION - 2023
COMMITTEE STATEMENT
LB56

Hearing Date: Monday January 30, 2023
Committee On: Business and Labor
Introducer: McKinney
One Liner: Adopt the Diaper Changing Accommodation Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	6	Senators Blood, Hansen, B., Hunt, Ibach, McKinney, Riepe
Nay:		
Absent:		
Present Not Voting:	1	Senator Halloran

Testimony:

Proponents:

Terrell McKinney
Terrell McKinney
Erin Feichtinger
Scout Richters
Edison McDonald

Representing:

Introducer
Self
Women's Fund of Omaha
ACLU of Nebraska
The Arc of Nebraska

Opponents:

Representing:

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

Section 1: Creates the Diaper Changing Accommodation Act

Section 2: Legislative findings

Section 3: The definitions section which includes and is not limited to:

- A baby diaper changing station, table or similar device, for changing 3-year-old or younger
 - A building inspector, ensuring building or project complies with all applicable laws
 - A local permitting entity, such as a state, city, county, municipality or similar authority to inspect general construction, electrical and mechanical-plumbing trades.
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- A place of public accommodation, a place of business for the general public providing food, shelter, recreation, and amusement. Such as:
 - Inn, hotel or motel. Establishment for lodging with 5 or more rooms for rent/hire
 - Restaurant, bar, or service of food or drink
 - Gasoline station including all facilities located on the premises
 - Motion picture house, theater, concert hall, stadium or similar entertainment venue
 - Auditorium, convention center, lecture hall, or similar place of public gathering
 - Any public facility owned, managed, or operated by the state
 - Any retail establishment open to the public selling goods or services
 - Substantially renovated, a restroom renovation requiring a permit and cost in excess of ten thousand dollars. (*The amount has been amended striking ten thousand dollars to twenty thousand dollars)

Section 4: Requires that any restroom that falls within the parameters of this Act, must have at least one baby diaper changing station in each of the men's and women's restrooms or at least one restroom designated as a family restroom or gender neutral. The baby changing station must be compliant with any local, state or federal applicable laws regarding fire, health, and safety codes and compliant with persons with disabilities.

This Act does not apply to a place of public accommodation that:

- Does not have a restroom available or accessible to the general public.
- Does not allow anyone under the age of 18 to enter the premises.
- Is located within another public place of accommodation which has a baby changing station and is located within 500 feet.

An exemption may be granted if a local permitting entity or building inspector determines that an installation of a baby changing station would not be feasible or would comply with applicable laws.

Section 5: Requires signage at or near the entrance of the restroom indicating presence of the station.

Each baby diaper changing station must be maintained and compliant to applicable codes/standards and cleaned regularly to ensure safety and ease of use.

Section 6: This Act does not create a private right of action.

Section 7: Operative January 1, 2024.

Explanation of amendments:

Explanation of Amendment(s):

The provision requirement amount of the substantially renovated restroom renovation requiring a permit and cost in excess of ten thousand dollars. (*The amount has been amended striking ten thousand dollars to twenty thousand dollars)

Merv Riepe, Chairperson