



**House
Legislative
Analysis
Section**

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REST ROOM FACILITIES

House Bill 4120 as enrolled
Second Analysis (3-29-94)

Sponsor: Rep. Jan Dolan
**House Committee: Civil Rights
and Women's Issues**
Senate Committee: Commerce

THE APPARENT PROBLEM:

For anyone who has attended a baseball game or a concert, one problem likely was evident: long lines for women wanting to use the rest room facilities. Stories of desperate women using relatively uncrowded men's facilities are not uncommon. In recognition of the need for more women's facilities, recent changes to the rules under the state construction code have increased the number of women's toilet facilities required in theaters, sports arenas, stadiums, and the larger libraries and passenger terminals. However, the State Construction Code Act generally allows local governments to exempt themselves from the bulk of the code's requirements by employing an alternate code in the form of a nationally recognized model code; thus, rules on toilet facilities can be circumvented. Certain elements of the Michigan code, however, must be enforced statewide nonetheless; local modification of these requirements, which include requirements for barrier free design, lead-free plumbing, and energy conservation, is not allowed. Many believe that the need for adequate women's facilities is great enough to merit statewide enforcement of the Michigan rules for toilet facilities in large assembly buildings.

THE CONTENT OF THE BILL:

The bill would amend the State Construction Code Act (MCL 125.1508) to mandate statewide application of state regulations on the type and number of plumbing fixtures required in assembly buildings to ensure equal speed of access to rest room facilities for men and women. An "assembly building" would include a theater; sports arena; stadium; food service establishment, with or without a liquor license; exhibition hall; library; recreation center; passenger terminal; or outdoor assembly structure, which would include an outdoor grandstand, coliseum, stadium, and amusement park structure, and fair or carnival structure. The bill would also require that a building or structure with

baby changing stations in women's restrooms also have baby changing stations in men's restrooms. The provisions of the bill, together with code provisions relating to construction permit applications for buildings and premanufactured units, lead-free pipe requirements, barrier free design, energy conservation requirements, penalties for violations of the act, and -- effective January 1, 1994 -- plans for the required type and number of plumbing fixtures for men and women in an assembly building, would apply to a building with an occupancy of 150 or more, and would be effective throughout the state without local modifications. The director could, however, exempt from this provision projects involving the required plumbing fixtures for men and women whose plans were almost finalized before January 1, 1994, but which were submitted after that date.

FISCAL IMPLICATIONS:

The House Fiscal Agency says that the bill would have no fiscal implications for the state. (2-18-94)

ARGUMENTS:

For:

The need for more toilet facilities for women is obvious to any woman who has missed an inning of play or half the second act while waiting in line to use the rest room; the need is equally obvious to any man who, having used an uncrowded men's facility, finds himself waiting another twenty minutes for a female friend to get through the line to the women's room. While the subject matter of the bill may prompt snickers, the plain truth is that women need more time in the rest room, and, taking more time, need more plumbing fixtures, at least in places where large numbers of patrons can exacerbate problems with overcrowded women's facilities.

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Several states, including California, New York, Virginia, and Washington, have enacted requirements for more commodes in women's rest rooms. Michigan, too, has addressed the problem through changes in the rules issued under the state construction code. But without legislation such as the bill, the rules can be evaded by the use of alternative codes. The bill would in effect require the use of the Michigan rules on toilet facilities statewide: the bill calls for enforcement of regulations that ensure equal speed of access to rest room facilities, and equal speed of access has been the aim underlying recent changes to the rules on toilet facilities. The bill would pose no particular hardship on arena owners and others, for enforcement of it would be limited to new construction projects and major remodeling projects in buildings with an occupancy of 150 or more. What the bill would do is extend to millions of women the hope that excruciatingly long lines for toilets will soon be a thing of the past.

Against:

The bill could present extra expenses for public or private entities planning new stadiums, renovations of fairgrounds or passenger terminals, or theater restorations, among other things. Those expenses could represent substantial burdens for some.