

CHAPTER 254

LABOR AND INDUSTRY

HOUSE BILL 23-1057

BY REPRESENTATIVE(S) McCormick and Vigil, Amabile, Bacon, Boesenecker, Brown, deGruy Kennedy, Dickson, English, Epps, Froelich, Garcia, Gonzales-Gutierrez, Jodeh, Kipp, Lindsay, Lindstedt, Mabrey, Martinez, McLachlan, Michaelson Jenet, Ortiz, Parenti, Ricks, Sharbini, Sirota, Story, Titone, Valdez, Velasco, Weissman, Willford, Herod, Joseph, Lukens, McCluskie; also SENATOR(S) Jaquez Lewis, Bridges, Buckner, Coleman, Cutter, Danielson, Exum, Fields, Ginal, Gonzales, Hansen, Hinrichsen, Kolker, Marchman, Moreno, Mullica, Priola, Roberts, Rodriguez, Sullivan, Winter F., Zenzinger, Fenberg.

AN ACT

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

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

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

ARTICLE 5.7
Amenities For All Genders In Public Buildings

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

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

(b) THE LACK OF ADEQUATE RESTROOM FACILITIES LEADS TO UNSAFE AND INEQUITABLE CONDITIONS FOR COLORADO CHILDREN, FAMILIES, AND COMMUNITIES. EXPERTS FROM HEALTH PROVIDERS TO FAITH LEADERS, INCLUDING THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, STRESS THE NEED FOR SINGLE OCCUPANCY NON-GENDERED RESTROOMS AND MULTIPLE-OCCUPANT OR MULTIPLE-STALLED NON-GENDERED RESTROOMS TO BE ACCESSIBLE FOR ALL EMPLOYEES AND INDIVIDUALS. THE LACK OF ACCESSIBILITY TO RESTROOM FACILITIES THAT ARE CONSISTENT WITH AN INDIVIDUAL'S GENDER IDENTITY SINGLES

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

OUT THOSE INDIVIDUALS AND CAN RESULT IN EXPERIENCES OF HARASSMENT AND CAUSE THOSE INDIVIDUALS TO AVOID RESTROOMS ENTIRELY, WHICH CAN LEAD TO POTENTIALLY SERIOUS PHYSICAL INJURY OR ILLNESS. ACCESS TO NON-GENDERED RESTROOMS HAS FAR-REACHING BENEFITS FOR PARENTS CARING FOR A CHILD, INCLUDING PARENTS WITH YOUNG CHILDREN WHO NEED TO ACCESS A BABY DIAPER CHANGING STATION AND INDIVIDUALS WITH DISABILITIES WHO HAVE A CARETAKER OF A DIFFERENT GENDER TO ASSIST THEM.

(c) MEN'S RESTROOMS AND SINGLE-STALL RESTROOMS TYPICALLY DO NOT PROVIDE BABY DIAPER CHANGING STATIONS. THIS CREATES ACCESSIBILITY INEQUITY FOR PARENTS AND CARE PROVIDERS WHO DO NOT IDENTIFY AS WOMEN OR WHO MAY NOT BE COMFORTABLE USING WOMEN'S RESTROOMS, AND CREATES POTENTIAL HEALTH AND SAFETY PROBLEMS FOR BABIES. WITHOUT CLEAN AND SAFE BABY DIAPER CHANGING STATIONS, THESE CARE PROVIDERS MAY BE FORCED TO RESORT TO UNSAFE AND UNSANITARY LOCATIONS, SUCH AS RESTROOM FLOORS, TO CHANGE BABIES' DIAPERS. REQUIRING EQUITABLE ACCESS TO AMENITIES IN PUBLIC RESTROOMS WOULD MAKE IT EASIER FOR PARENTS AND CARE PROVIDERS OF ALL GENDERS TO FIND A SAFE AND SUITABLE PLACE TO CHANGE BABIES' DIAPERS. PROVIDING SAFE, RELIABLE, AND CLEAN BABY DIAPER CHANGING STATIONS IN ALL RESTROOM FACILITIES ENABLES BETTER CARETAKING FOR INFANTS BY ALL PARENTS AND CARE PROVIDERS, AND SAFER CONDITIONS FOR INFANTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(II) THAT INCLUDES CHANGING THE STRUCTURE BY:

(A) INCREASING THE SQUARE FOOTAGE;

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

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

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

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

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

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

(a) SCHEDULED FOR RENOVATION OF A RESTROOM MUST:

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

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

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

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

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

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

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

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

(V) ENSURE THAT EACH BABY DIAPER CHANGING STATION IS MAINTAINED, REPAIRED, AND REPLACED AS NECESSARY TO ENSURE SAFETY AND EASE OF USE AND CLEANED WITH THE SAME FREQUENCY AS THE RESTROOM IN WHICH IT IS LOCATED OR RESTROOMS ON THE SAME FLOOR OR IN THE SAME SPACE IF THE CHANGING TABLE IS LOCATED IN A RESTROOM.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXISTING RESTROOMS ACROSS ALL BUILDINGS WHOLLY OR PARTIALLY OWNED BY THE STATE.

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

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

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

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

- (a) \$400,000 for statewide planning services; and
- (b) \$50,000 for a restroom survey of state-owned buildings.

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

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

Approved: May 24, 2023