

TEXT OF RULE

1. Section 1219.1 of Part 1219 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to read as follows:

Section 1219.1 Uniform Fire Prevention and Building Code

The Uniform Fire Prevention and Building Code (the Uniform Code) includes Part 1220 (Residential Construction), Part 1221 (Building Construction), Part 1222 (Plumbing Systems), Part 1223 (Mechanical Systems), Part 1224 (Fuel Gas Equipment and Systems), Part 1225 (Fire Prevention), Part 1226 (Property Maintenance), Part 1227 (Existing Buildings), [and] Part 1228 (Sugarhouse Alternative Activity Provisions), and Part 1229 (Other Uniform Code Provisions) of this Title and the publications incorporated by reference into those Parts.

2. Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended by adding a new Part 1229 to read as follows:

Part 1229

Other Uniform Code Provisions

Subpart 1229-1

Introduction

Section 1229-1.1 Introduction.

The provisions set forth in this Part 1229 are part of the Uniform Fire Prevention and Building Code (the “Uniform Code”) and are in addition to, and not in limitation of, the provisions set forth in Parts 1219 through 1228 of this Title.

Subpart 1229-2
Diaper Changing Stations

Section 1229-2.1 Introduction.

This Subpart establishes standards for the installation of diaper changing stations in all newly constructed buildings that have one or more areas classified as Assembly Group A occupancies or Mercantile Group M occupancies and in all existing buildings that have one or more areas classified as Assembly Group A occupancies or Mercantile Group M occupancies and undergo a substantial renovation.

Section 1229-2.2 Purpose.

This Subpart implements the provisions of subdivisions sixteen and seventeen of section 378 of the Executive Law, as added by Chapter 58 of the Laws of 2018.

Section 1229-2.3 Definitions.

In this Subpart, the following terms shall have the following meanings:

(a) 2009 ICC A117.1. The 2009 edition of the publication entitled ICC A117.1, Accessible and Usable Buildings and Facilities, published by the International Code Council, Inc.

(b) 2015 IBC. The publication entitled 2015 International Building Code (publication date: May 30, 2014, third printing) published by the International Code Council, Inc., as amended by the 2017 Uniform Code Supplement.

(c) 2015 IEBC. The publication entitled 2015 International Existing Building Code (publication date: May 30, 2014, fifth printing) published by the International Code Council, Inc., as amended by the 2017 Uniform Code Supplement.

(d) 2017 Uniform Code Supplement. The publication entitled 2017 Uniform Code Supplement published by the New York State Department of State.

(e) Approved. Acceptable to the code official or authority having jurisdiction.

(f) Assembly Group A occupancy. An Assembly Group A occupancy as described in section 303 of the 2015 IBC.

(g) Diaper changing station. A diaper changing station, deck, table, or similar amenity that is intended for use by the public for the purpose of changing diapers on children weighing up to 50 pounds.

(h) Existing building. A building constructed before January 1, 2019. For the purposes of this Subpart, where a substantially complete application for a permit for the original construction of a building has been submitted to the authority having jurisdiction before January 1, 2019, such building shall be deemed to have been constructed before January 1, 2019 and, accordingly, shall be deemed to be an existing building.

(i) Historic building. Any building or structure that is one or more of the following:

(1) listed, or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places;

(2) designated as historic under an applicable state or local law;

(3) certified as a contributing resource within a National Register, state designated or locally designated historic district.

(j) Level 2 or level 3 alteration. An “alteration” (as defined in the 2015 IEBC) that is either a level 2 alteration (as described in section 504 of the 2015 IEBC) or a level 3 alteration (as described in section 505 of the 2015 IEBC).

(k) Mercantile Group M occupancy. A Mercantile Group M occupancy as described in section 309 of the 2015 IBC.

(l) Newly constructed building. A building constructed on or after January 1, 2019. For the purposes of this Subpart, where a substantially complete application for a permit for the original construction of a building has been submitted to the authority having jurisdiction on or after January 1, 2019, such building shall be

deemed to have been constructed on or after January 1, 2019 and, accordingly, shall be deemed to be a newly constructed building.

(m) Public family or assisted-use toilet room. A family or assisted-use toilet room as described in section 1109 of the 2015 IBC that is intended for use by customers and patrons of and visitors to an area classified as an Assembly Group A occupancy or Mercantile Group M occupancy.

(n) Public toilet room. A room containing public toilet facilities intended for use by customers and patrons of and visitors to an area classified as an Assembly Group A occupancy or Mercantile Group M occupancy. The term “public toilet room” includes public family or assisted-use toilet room, a public toilet room available for use by both sexes (hereinafter referred to as a “unisex public toilet room”), a public toilet room available for use only by males (hereinafter referred to as a “male public toilet room”), and a public toilet room available for use only by females (hereinafter referred to as a “female public toilet room”). A room that meets the definition of “public toilet room” in this subdivision will continue to be deemed to be a public toilet room for the purposes of this Subpart even if such room contains both employee toilet facilities and public toilet facilities.

(o) Substantial renovation. The term substantial renovation means one or more of the categories of work described in subdivision (b) of section 1229-2.4 of this Subpart.

Section 1229-2.4 General requirements.

(a) Newly constructed buildings. In all newly constructed buildings that have one or more areas classified as an Assembly Group A occupancy or Mercantile Group M occupancy, at least one safe, sanitary, and convenient diaper changing station available for use by both male and female occupants (or at least one such diaper changing station available for use by male occupants and at least one such diaper changing station available for use by female occupants) shall be provided on each floor level containing a public toilet room.

(b) Existing buildings. Except as otherwise provided in subdivisions (c) and (d) of this section, in an existing building that undergoes work in any one or more of the categories described in this subdivision and has, upon completion of such work, one or more areas classified as an Assembly Group A occupancy or Mercantile Group M occupancy, safe, sanitary, and convenient diaper changing stations shall be provided as follows:

(1) in the case of the construction or installation of a new public family or assisted-use toilet room or a new unisex public toilet room, at least one such diaper changing station shall be provided in the newly constructed or installed public family or assisted-use toilet room or unisex public toilet room;

(2) in the case of the construction or installation of a new male public toilet room and a new female public toilet room on the same floor level, at least one such diaper changing station shall be provided in the newly constructed or installed male public toilet room and at least one such diaper changing station shall be provided in the newly constructed or installed female public toilet room;

(3) in the case of a level 2 alteration of an existing public family or assisted-use toilet room, an existing unisex public toilet room, or an existing male public toilet room and an existing female public toilet room that are both on the same floor level, at least one such diaper changing station shall be provided in each public toilet room undergoing the level 2 alteration;

(4) in the case of a level 3 alteration of an existing building where the work area includes an existing public family or assisted-use toilet room, an existing unisex public toilet room, or an existing male public toilet room and an existing female public toilet room that are both on the same floor level, at least one such diaper changing station shall be provided in each public toilet room included in the work area of the level 3 alteration; and

(5) in the case of work that does not fall in any category described in paragraphs (1), (2), (3), or (4) of this subdivision; is a level 2 or level 3 alteration of an existing building; and has a work area that includes at

least 50 percent of the area of an Assembly Group A occupancy or Mercantile Group M occupancy, safe, sanitary, and convenient diaper changing stations shall be provided as follows:

(i) where such Assembly Group A occupancy or Mercantile Group M occupancy is served by an existing public family or assisted-use toilet room and a diaper changing station can be provided in such existing public family or assisted-use toilet room without having to reconfigure the space therein or increase the floor area thereof, at least one such diaper changing station shall be provided in such existing public family or assisted-use toilet room;

(ii) where such Assembly Group A occupancy or Mercantile Group M occupancy is served by an existing unisex public toilet room and a diaper changing station can be provided in such existing unisex public toilet room without having to reconfigure the space therein or increase the floor area thereof, at least one such diaper changing station shall be provided in such existing unisex public toilet room, and

(iii) where such Assembly Group A occupancy or Mercantile Group M occupancy is served by an existing male public toilet room and an existing female public toilet room that are both on the same floor level and a diaper changing station can be provided in both of such existing public toilet rooms without having to reconfigure the space in or increase the floor area of either of such existing public toilet rooms, at least one such diaper changing station shall be provided in such existing male public toilet room and at least one such diaper changing station shall be provided in such existing female public toilet room.

(c) Exception. Notwithstanding any provision of subdivision (b) of this section to the contrary, if an existing building undergoes work in any category described in said subdivision (b), not more than one diaper changing station available for use by both male and female occupants (or one diaper changing station available for use by male occupants and one diaper changing station available for use by female occupants) shall be required on any floor level.

(d) Transitional provision. Notwithstanding any provision of subdivision (b) of this section to the contrary, if an existing building undergoes work in any category described in said subdivision (b) and a substantially complete application for a permit for such work has been submitted to the authority having jurisdiction before January 1, 2019, the requirements of said subdivision (b) shall not apply to such work.

Section 1229-2.5 Accessibility, construction, and installation requirements.

(a) All diaper changing stations shall comply, at a minimum, with the accessibility requirements of Section 603.5 (Diaper Changing Tables) of the 2009 ICC A117.1.

(b) All diaper changing stations shall be designed for use with children weighing up to fifty (50) pounds and shall include a child restraint system.

(c) Commercially manufactured wall-mounted or recessed diaper changing stations shall be listed and labeled as complying with ASTM F2285 – 04(2016)e1 (Standard Consumer Safety Performance Specification for Diaper Changing Tables for Commercial Use), shall be approved, and shall be installed in accordance with the manufacturer’s installation instructions, the requirements of this Subpart, and any and all other applicable requirements of the Uniform Code.

(d) Commercially manufactured countertop diaper changing stations shall be approved and shall be installed in accordance with the manufacturer’s installation instructions, the requirements of this Subpart, and any and all other applicable requirements of the Uniform Code.

(e) Non-commercially manufactured diaper changing stations shall be approved and shall be constructed and installed in accordance the requirements of this Subpart and any and all other applicable requirements of the Uniform Code.

Section 1229-2.6 Signage.

In each building that has one or more areas classified as an Assembly Group A occupancy or Mercantile Group M occupancy and in which at least one diaper changing station is installed on or after January 1, 2019

(whether voluntarily, or pursuant to this Subpart, or pursuant to any other applicable law), each public toilet room that does not have a diaper changing station shall be provided with a sign indicating the location of the nearest diaper changing station that is available for use by the gender using such public toilet room. Where a diaper changing station is not available for use by a gender in a building, no such sign shall be required in or adjacent to each public toilet room by the gender using such public toilet room. Such signs shall be readily visible, shall be posted in a conspicuous place in or adjacent to the public toilet room, and shall comply with Section 703.2 (Visual Characters) of the 2009 ICC A117.1. No such sign shall be required in or adjacent to a public toilet room in which any diaper changing station is located.

Section 1229-2.7 Maintenance.

Diaper changing stations installed in any building (whether voluntarily, or pursuant to this Subpart, or pursuant to any other applicable law) shall be maintained in a safe, sanitary, and working condition.

Section 1229-2.8 Historic buildings.

Historic buildings are exempt from the requirements of this Subpart except the requirements of sections 1229-2.6 and 1229-2.7.

Section 1229-2.9 Incorporation by reference.

(a) The following publications are hereby incorporated by reference into this Subpart.

(1) 2015 International Building Code (2015 IBC), publication date: May 30, 2014, third printing, published by the International Code Council, Inc.

(2) 2015 International Existing Building Code (2015 IEBC), publication date: May 30, 2014, fifth printing, published by the International Code Council, Inc.

(3) 2017 Uniform Code Supplement, publication date: July 2017, published by the New York State Department of State.

(4) ICC A117.1, Accessible and Usable Buildings and Facilities, publication date 2009, published by the International Code Council, Inc.

(b) Copies of the 2015 IBC, 2015 IEBC, and ICC A117.1 may be obtained from the publisher at the following address:

International Code Council, Inc.
500 New Jersey Avenue, NW, 6th Floor
Washington, DC 20001

(c) Copies of the 2017 Uniform Code Supplement may be obtained from the New York State Department of State at the following address:

New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(d) All publications incorporated by reference into this Subpart are available for public inspection and copying at:

New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001