



Maine Grocers &
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IN OPPOSITION - LD 93 An Act to Ensure Access for All Caregivers to Diaper Changing Stations in Public Restrooms

Dear Senator Curry - Chair, Representative Roberts - Chair, and the Committee on Innovation, Development, Economic Advancement and Business,

My name is Christine Cummings and I am the Executive Director of the Maine Grocers & Food Producers Association (MGFPA). MGFPA is a business trade association representing more than 200 businesses within Maine's food community; Main Street businesses including independently owned and operated grocery stores and supermarkets, food and beverage producers and processors, manufacturers, wholesalers, distributors, and supportive service companies.

We appreciate the intent of the bill to ensure accessible and adequate public changing stations for infants and toddlers (children up to age 4).

- However, we have significant concerns regarding the exemption specific to the language, "cost of construction is not feasible." Cost is not specific, yet relative, and dependent to the specific business. Capital investments differ for each individual business and what improvements are necessary or planned. Who is to determine whether or not the cost is feasible? This has the potential to cause an undue financial burden on small businesses.
- There are also many instances where there will not be adequate square footage to accommodate the addition of a changing station. While we do not support this effort, if it is to move forward, we would ask that the Committee consider a sq. footage threshold for either the bathroom space or overall sq. footage (or occupancy limits) of the building when determining who may need to ultimately comply. We understand the amendment references exemptions specific to construction which would be "inconsistent with the Maine Uniform Building and Energy Code." We question the specifications of which properties this would exempt.
- How would this relate to those businesses that sub-out porta potties? Would those businesses be exempted? What if a business simply opts to not have a public restroom, is this creating more of a disservice?
- Requiring a facility that is "physically safe, sanitary and appropriate" is also subjective. This requires another level of commitment from the businesses to take on the additional responsibility of sanitation of the changing stations and the restroom.
- This should not be universal. There are businesses that do not warrant having a diaper changing station. It is unnecessary for those businesses that require age-verification to enter such as a bar or marijuana store.
- Associating the enforcement with the Attorney General is cumbersome. There is no appeals or waiver process for the subjectiveness of this language.

It appears that some of this language was based on off of the National Bathroom Accessible in Every Situation Act (BABIES Act) passed in 2016 which requires baby changing accommodations in both male and female restrooms located

in publicly-accessible *federal* buildings. There are limited instances of similar policies across the country and we would urge the Committee to review the nuances of the few state and local policies.¹

Lastly, and most importantly, stores are keenly aware of the needs and wants of their customers. Businesses know whether or not providing diaper changing stations is necessary to meet the demands of their customer base. As a mother to two young children, who are newly potty-trained, there are businesses that we frequent for their clean and child-friendly restrooms and those that we don't. Businesses make the commitment to be family-friendly. We do not support policies that add additional requirements onto businesses, in particular widespread approaches without tailored consideration of the best application. We urge the Committee vote Ought Not to Pass and allow businesses to determine whether or not this is necessary for their customers.

Thank you for the opportunity to provide testimony.



Christine Cummings
Executive Director

¹ <https://www.koalabear.com/product-resources/changing-station-resources-landing-page/compliance-homepage/legislation-map/>