# ADDITIONAL 15-DAY EXPRESS TERMS AND RATIONALEFOR PROPOSED BUILDING STANDARDSOF THE CALIFORNIA BUILDING STANDARDS COMMISSIONREGARDING THE 2022, CALIFORNIA PLUMBING CODE,CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5(BSC 02/22)

No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to Section 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action. If a sufficiently related change is made, the full text of the resulting adoption, amendment, or repeal, with the change clearly indicated, shall be made available to the public for at least 15 or 45 days before the agency adopts, amends, or repeals the resulting regulation.

Any written comments received regarding the change must be responded to in the final statement of reasons required by Section 11346.9 (Government Code Section 11346.8(c)).

If using assistive technology, please adjust your settings to recognize underline, strikeout, double strikeout, italics and ellipsis. Double underline will be indicated by parenthetical notes within the text. The notes will not be codified or published in the code.

## LEGEND for EXPRESS TERMS (Based on model codes - Parts 2, 2.5, 3, 4, 5, 9, 10)

* Model Code language appears upright.
* Unmodified California 45-day amendments appear in *underline and italic* and *~~strikeout and italic~~.*
* California additional 15-day amendments appear in *double underline and italic* and *double strikeout and italic*.
* Ellipsis ( ...) indicate existing text remains unchanged.
* **Rationale**: The justification for the change is shown after each section or series of related changes.

## ADDITIONAL 15-DAY EXPRESS TERMS

### ITEM 1Chapter 2 DEFINITIONS, Section 218.0

**Section 218.0, Definition of *Privacy Compartment***

***Privacy Compartment: [BSC]*** *A compartment enclosing a water closet or urinal that provides visual privacy for the user. [begin double underline] provided with floor-to-ceiling pre-manufactured panels, continuous brackets at abutting panels, and a floor-to-ceiling door with continuous hinges and full height astragals. Privacy compartments may also be constructed with full-height walls and door with head jamb casing. [end double underline]*

**Rationale:** Language originally proposed in Section 422.2 is being relocated to the definition to clarify and completely define the definition of a privacy compartment. These changes are in coordination with the proposed changes to item 2 Section 422.2.

**Notation:**

Authority: Health and Safety Code Sections 18934.5, 18940.5, 18941.8; Water Code Section 14877.1

Reference(s): Health and Safety Code Section 18934.5, 18940.5, 18941.8, SB 1194 (Chapter 839, Statutes of 2022)

### ITEM 2Chapter 4 PLUMBING FIXTURES AND FIXTURE FITTINGS, Section 422.2 Separate Facilities.

**422.2 Separate Facilities.** Separate toilet facilities shall be provided for each sex.

**Exceptions *[Not adopted for OSHPD 1, 2, 3, 4, & 5]:***

(1) Residential installations.

(2) In occupancies with a total occupant load of 10 or less, including customers and employees, one toilet facility, designed for use by no more than one person at a time, shall be permitted for use by both sexes.

(3) In business and mercantile occupancies with a total occupant load of 50 or less including customers and employees, one toilet facility, designed for use by no more than one person at a time, shall be permitted for use by both sexes.

*(4)* ***[BSC]*** *Separate facilities shall not be required where rooms have fixtures designed for use by all genders and the water closets are installed in privacy compartments. Urinals, when installed, shall be located in a privacy compartment or separate private area. Privacy compartments shall be provided with full-height walls or full-height pre-manufactured panel systems with continuous brackets at abutting panels. Each compartment shall be provided with either a full-height door with head jamb casing or a floor-to-ceiling door. Pre-manufactured panel system doors shall be provided with continuous hinges. All [begin double underline] Each [end double underline] compartment doors shall be lockable from the inside of the compartment, with a door locking device that is readily distinguishable as locked from the outside of the compartment. [begin double underline] Privacy compartments and doors which are not full height or floor to ceiling may be permitted by the enforcing agency. [end double underline]*

**Rationale:** Some language has been moved to the definition of Privacy Compartment. Additionally, comments received listed concerns about full height partitions and the lack of flexibility and accessibility in the full height partitions as proposed. Full height partitions also have the potential for adding significant costs related to mechanical, fire life safety to an all-gender multi-user restroom facilities which could be a disincentive to providing all-gender multi-user restrooms. Adding the ability for an enforcement agency to allow an exception to the full height requrements of a privacy compartment if requested allows flexibility and is responsive to comments received.

**Notation:**

Authority: Health and Safety Code Sections 18934.5, 18940.5, 18941.8; Water Code Section 14877.1

Reference(s): Health and Safety Code Section 18934.5, 18940.5, 18941.8, SB 1194 (Chapter 839, Statutes of 2022)