

Legislative Analysis



RESTROOM ACCESS

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House Bill 5862

Sponsor: Rep. Andrew Meisner

Committee: Judiciary

Complete to 9-28-04

A SUMMARY OF HOUSE BILL 5862 AS INTRODUCED 5-11-04

The bill would create a new act to provide for bathroom access in retail establishments for customers with certain medical conditions and provide penalties for violations. The bill would specify conditions under which a retail establishment would have to allow a customer to use its employee-only restroom. The bill's provisions would be triggered only when a customer with an ostomy device or an eligible medical condition defined as Crohn's disease, ulcerative colitis, inflammatory bowel disease, irritable bowel syndrome, or any other medical condition that required immediate access to a toilet facility requested access to the employee restroom and a public restroom was not immediately accessible to the customer. The customer would have to present a doctor's signed statement on a prescription form attesting to the condition.

A retail establishment would not be required to make physical changes to an employee toilet and would not be civilly liable for any act or omission in allowing a customer to use an employee-only toilet facility as long as the act or omission was not willful or grossly negligent, the act occurred in an area not accessible to the public, or resulted in an injury to or death of the customer or individual other than the employee who was accompanying the customer to the toilet facility.

A retail establishment or employee who violated the bill's provisions would be guilty of a misdemeanor punishable by a fine of not more than \$100.

FISCAL IMPACT:

The bill's potential fiscal impact on state and local government includes law enforcement and legal costs to pursue violators, and revenue from misdemeanor fines of not more than \$100 that are imposed upon violators, which are directed constitutionally to public libraries.

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