

HOUSE BILL No. 5862

May 11, 2004, Introduced by Reps. Meisner, Spade, Law, Gleason, Elkins, Rivet, Tobocman, Hopgood and Sak and referred to the Committee on Judiciary.

A bill to provide for restroom access for persons with certain medical conditions; to provide immunity from liability for permitting restroom access; and to prescribe penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Customer" means an individual who is lawfully on the
3 premises of a retail establishment.

4 (b) "Doctor" means a licensed doctor of medicine or a
5 licensed doctor of osteopathic medicine and surgery.

6 (c) "Eligible medical condition" means Crohn's disease,
7 ulcerative colitis, any other inflammatory bowel disease,
8 irritable bowel syndrome, or any other medical condition that
9 requires immediate access to a toilet facility.

10 (d) "Retail establishment" means a place of business open to
11 the general public for the sale of goods or services.

1 Sec. 2. A retail establishment that has a toilet facility
2 for its employees shall allow a customer to use that facility
3 during normal business hours if all of the following are met:

4 (a) The customer requesting use of the employee toilet
5 facility suffers from an eligible medical condition or utilizes
6 an ostomy device.

7 (b) Two or more employees of the retail establishment are
8 working at the time the customer requests use of the employee
9 toilet facility.

10 (c) The customer provides the retail establishment with a
11 copy of a statement on a prescription form that indicates the
12 customer suffers from an eligible medical condition or utilizes
13 an ostomy device, signed by a doctor.

14 (d) The retail establishment does not normally make a
15 restroom available to the public.

16 (e) The employee toilet facility is not located in an area
17 where providing access would create an obvious health or safety
18 risk to the customer or an obvious security risk to the retail
19 establishment.

20 (f) A public restroom is not immediately accessible to the
21 customer.

22 Sec. 3. A retail establishment or an employee of a retail
23 establishment is not civilly liable for any act or omission in
24 allowing a customer to use an employee toilet facility that is
25 not a public restroom if the act or omission meets all of the
26 following:

27 (a) It is not willful or grossly negligent.

1 (b) It occurs in an area of the retail establishment that is
2 not accessible to the public.

3 (c) It results in an injury to or death of the customer or
4 any individual other than an employee accompanying the customer.

5 Sec. 4. A retail establishment or an employee of a retail
6 establishment that violates section 2 is guilty of a misdemeanor,
7 punishable by a fine of not more than \$100.00.

8 Sec. 5. A retail establishment is not required to make any
9 physical changes to an employee toilet facility under this act.