



**Am. H.B. 150\***

127th General Assembly

(As Reported by S. State and Local Government and Veterans Affairs)

**Reps. J. McGregor, Adams, Peterson, Luckie, Skindell, Collier, Yuko, Budish, Chandler, Coley, Combs, DeGeeter, Domenick, Dyer, Evans, Flowers, Gardner, Gibbs, Sayre, Schindel, Setzer, B. Williams**

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**BILL SUMMARY**

- Encourages retail establishments to allow customers with specified medical conditions to use the retail establishment's toilet facilities that are not usually available to the public.
- Specifies that a toilet facility that is made available to a customer under the bill is not considered a public facility for the purpose of laws or regulations that generally govern facilities available to the public.
- Limits the liability of a retail establishment or an employee of an establishment for an injury or death of a customer resulting from any act or omission in allowing a customer to use an employee toilet facility if the act or omission is not willful or grossly negligent.
- Designates May 23 as "Crohn's and Colitis Awareness Day."

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\* This analysis was prepared before the report of the Senate State and Local Government and Veterans Affairs Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

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## CONTENT AND OPERATION

### *Use of employee restrooms by customers with specified medical conditions*

The bill encourages any retail establishment<sup>1</sup> having an employee toilet facility to permit a customer<sup>2</sup> to use that facility during normal business hours if the toilet facility is reasonably safe and all of the following conditions are met:

(1) The customer requesting the use of the employee toilet facility suffers from an eligible medical condition or utilizes an ostomy device;

(2) The employee toilet facility is not located in an area where providing access would create an obvious health or safety risk to the customer or an obvious security risk to the retail establishment; and

(3) A public restroom or employee restroom normally available to the public is not immediately accessible to the customer (sec. 4173.02(A)(1) to (3)).

An "eligible medical condition" is Crohn's disease, ulcerative colitis, any other inflammatory bowel disease, irritable bowel syndrome, or any other medical condition that requires immediate access to a toilet facility (sec. 4173.01(B)).

The bill does not require a retail establishment to make any physical changes to an employee toilet facility. No restroom facility that is made available to a customer under the bill is to be considered a public facility for the purpose of laws or regulations that generally govern facilities available to the public. The restroom facility is governed by the laws and regulations that otherwise would govern the facility if it were not made available to a customer under the bill. (Sec. 4173.02(B) and (C).)

### *Retail establishments and employees immune from liability*

Under the bill, neither a retail establishment nor an employee of a retail establishment is liable in any civil action for an injury or the death of a customer resulting from any act or omission in allowing a customer to use an employee

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<sup>1</sup> The bill defines "retail establishment" as a place of business open to the general public for the sale of goods or services. "Retail establishment" does not include a filling station or service station, with a structure of 800 square feet or less, that has an employee toilet facility located within that structure (sec. 4173.01(C)).

<sup>2</sup> The bill defines a "customer" as an individual who is lawfully on the premises of a retail establishment (sec. 4173.01(A)).

toilet facility if the act or omission is not willful or grossly negligent (sec. 4173.03).

**Designation of Crohn's and Colitis Awareness Day**

The bill designates the 23rd day of May as "Crohn's and Colitis Awareness Day."

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**HISTORY**

ACTION	DATE
Introduced	04-12-07
Reported, H. Commerce & Labor	02-06-08
Passed House (94-0)	03-11-08
Reported, S. State & Local Gov't & Veterans Affairs	---

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