



S.B. 154
127th General Assembly
(As Introduced)

Sen. Cates

BILL SUMMARY

- Requires a retail establishment with an employee toilet facility that is not normally available to the public to allow a customer with an eligible medical condition to use the facility.
- Provides that an establishment or establishment employee that refuses a customer with an eligible medical condition use of an employee facility is guilty of a minor misdemeanor.
- Specifies that an establishment or establishment employee is immune from liability for customer injury or death that results from an act or omission in allowing a customer to use an employee facility if the act or omission is not willful or grossly negligent and occurs in an area of the establishment that is inaccessible to the public.

CONTENT AND OPERATION

Access to employee restrooms

(R.C. 4173.01, 4173.02, and 4173.99)

Current law does not require retail establishments to allow customers with specified medical conditions use of employee toilet facilities.

The bill requires a retail establishment¹ with an employee toilet facility to permit a customer² to use the facility if the following conditions are met:

¹ "Retail establishment" means a place of business open to the general public for the sale of goods or services. It does not include a filling station or service station with a structure of 800 feet or less that has an employee toilet facility located within the structure.

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

(1) The customer suffers from an eligible medical condition³ or uses an ostomy device.⁴

(2) Three or more establishment employees are working when the customer requests use of the facility.

(3) The establishment does not normally make a restroom available to the public.

(4) The 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 establishment.

(5) A public restroom is not immediately accessible to the customer.

The bill provides that an establishment or establishment employee that refuses a customer use of an employee facility is guilty of a minor misdemeanor. The bill provides that an establishment is not required to make physical changes to its employee facility to comply with the bill.

Civil immunity

(R.C. 4173.03)

The bill specifies that a retail establishment or an establishment employee is not liable in a civil action for customer injury or death that results from an act or omission in allowing a customer to use an employee toilet facility if the act or omission is not willful or grossly negligent and occurs in an area of the establishment that is inaccessible to the public.

HISTORY

ACTION

DATE

Introduced

04-24-07

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³ "Eligible medical condition" means 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.

⁴ An ostomy is a surgical procedure, such as a colostomy, in which an opening is made to permit drainage of waste. (Dictionary.com, <<http://www.dictionary.reference.com>>, visited 4/27/07.) An ostomy device is used to collect the waste.