

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL****No. 829** Session of  
2007

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INTRODUCED BY GREENLEAF, PUNT, STOUT, TARTAGLIONE, WASHINGTON,  
COSTA, MUSTO AND C. WILLIAMS, MAY 8, 2007

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AS AMENDED ON SECOND CONSIDERATION, JUNE 24, 2008

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## AN ACT

1 Providing for restroom access for certain customers of retail  
2 establishments and for a penalty.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Restroom  
7 Access Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Customer." An individual who is lawfully on the premises of  
13 a retail establishment and who uses an ostomy device or who  
14 suffers from an inflammatory bowel disease, such as Crohn's  
15 disease, ulcerative colitis or any other medical condition that  
16 requires immediate access to a toilet facility.

17 "Retail establishment." A place of business open to the  
18 general public for the sale of goods or services.

1 Section 3. Customer access to retail establishment toilet  
2 facilities.

3 A retail establishment ~~or an employee of a retail~~ <—  
4 ~~establishment~~ that has a toilet facility for its employees shall  
5 allow a customer to use that facility during normal business  
6 hours if all of the following apply:

7 (1) The toilet facility is not located in an area where  
8 providing access would create an obvious health or safety  
9 risk to the customer or an obvious security risk to the  
10 retail establishment.

11 (2) A public restroom is not immediately accessible to  
12 the customer.

13 (3) THE CUSTOMER PROVIDES THE RETAIL ESTABLISHMENT WITH <—  
14 EVIDENCE THAT THE CUSTOMER USES AN OSTOMY DEVICE OR SUFFERS  
15 FROM AN INFLAMMATORY BOWEL DISEASE, SUCH AS CROHN'S DISEASE,  
16 ULCERATIVE COLITIS OR ANY OTHER MEDICAL CONDITION THAT  
17 REQUIRES IMMEDIATE ACCESS TO A TOILET FACILITY, BY PROVIDING  
18 DOCUMENTATION IN WRITING BY THE CUSTOMER'S PHYSICIAN OR AN  
19 IDENTIFICATION CARD THAT IS ISSUED TO THE CUSTOMER BY A  
20 NONPROFIT ORGANIZATION WHOSE PURPOSE INCLUDES SERVING  
21 INDIVIDUALS WHO SUFFER FROM SUCH DISEASE OR CONDITION.

22 Section 4. Penalty.

23 A retail establishment ~~or an employee of a retail~~ <—  
24 ~~establishment~~ that violates the provisions of this act ~~commits a~~ <—  
25 ~~summary offense.~~ IS PUNISHABLE BY A CIVIL PENALTY OF UP TO \$500. <—  
26 THE MAGISTRATE DISTRICT JUDGE FOR THE JURISDICTION IN WHICH THE  
27 RETAIL ESTABLISHMENT IS LOCATED MAY IMPOSE THE CIVIL PENALTY  
28 AUTHORIZED BY THIS SECTION.

29 Section ~~10~~ 5. Effective date. <—

30 This act shall take effect immediately.