

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1955 Session of  
2007

INTRODUCED BY GRUCELA, BELFANTI, BRENNAN, BUXTON, COHEN,  
GINGRICH, GOODMAN, HARKINS, HERSHEY, HESS, JOSEPHS, KENNEY,  
KOTIK, MACKERETH, McCALL, McGEEHAN, R. MILLER, MYERS,  
M. O'BRIEN, READSHAW, REICHLEY, SCAVELLO, SIPTROTH,  
WOJNAROSKI, YUDICHAK, GEIST, DeLUCA, HORNAMAN, YOUNGBLOOD,  
FRANKEL, JAMES, KULA, WANSACZ, WATERS AND R. STEVENSON,  
OCTOBER 23, 2007

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, OCTOBER 23, 2007

AN ACT

1 Providing for restroom access for certain customers of retail  
2 establishments; and imposing 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.

14 "Eligible medical condition." A medical condition that  
15 includes Crohn's disease, ulcerative colitis or any other

1 inflammatory bowel disease, any other medical condition that  
2 requires immediate access to a toilet facility or a condition  
3 that requires the use of an ostomy device.

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

6 Section 3. Customer access to restroom facilities in retail  
7 establishments.

8 A retail establishment that has a toilet facility for its  
9 employees shall allow a customer to use that facility during  
10 normal business hours if the toilet facility is reasonably safe  
11 and all of the following conditions are met:

12 (1) The customer requesting the use of the employees  
13 toilet facility suffers from an eligible medical condition.

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

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

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

22 Section 4. Liability.

23 (a) General rule.--A retail establishment or an employee of  
24 a retail establishment is not civilly liable for any act or  
25 omission in allowing a customer that has an eligible medical  
26 condition to use an employee toilet facility that is not a  
27 public restroom if the act or omission meets all of the  
28 following:

29 (1) It is not willful or grossly negligent.

30 (2) It occurs in an area of the retail establishment

1       that is not accessible to the public.

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

5       (b) Physical changes to facility.--A retail establishment is  
6       not required to make any physical changes to an employee toilet  
7       facility under this act.

8       Section 5.   Penalty.

9       A retail establishment or an employee of a retail  
10      establishment that violates this act commits a summary offense.

11      Section 6.   Effective date.

12      This act shall take effect immediately.