

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, R. STEVENSON,
HENNESSEY, McILVAINE SMITH, PETRI AND KORTZ, OCTOBER 23, 2007

AS REPORTED FROM COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 13, 2008

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 "HEALTH PROFESSIONAL." A PHYSICIAN, OSTEOPATHIC PHYSICIAN, <—
5 PHYSICIAN ASSISTANT OR NURSE PRACTITIONER LICENSED OR CERTIFIED
6 TO PRACTICE IN THIS COMMONWEALTH.

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

9 Section 3. Customer access to restroom facilities in retail
10 establishments.

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

15 (1) The customer requesting the use of the employees
16 toilet facility suffers from an eligible medical condition
17 AND CAN PROVIDE THE RETAIL ESTABLISHMENT WITH EVIDENCE OF THE <—
18 CUSTOMER'S ELIGIBLE MEDICAL CONDITION TO INCLUDE A COPY OF A
19 STATEMENT SIGNED AND DATED BY A HEALTH PROFESSIONAL OR A
20 PERSON ACTING UNDER THE DELEGATION AND SUPERVISION OF A
21 HEALTH PROFESSIONAL THAT INDICATES THE CUSTOMER SUFFERS FROM
22 AN ELIGIBLE MEDICAL CONDITION OR USES AN OSTOMY DEVICE.

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

25 (3) The employee toilet facility is not located in an
26 area where providing access would create an obvious health or
27 safety risk to the customer or an obvious security risk to
28 the retail establishment.

29 (4) A public restroom is not immediately accessible to
30 the customer.

1 Section 4. Liability.

2 (a) General rule.--A retail establishment or an employee of
3 a retail establishment is not civilly liable for any act or
4 omission in allowing a customer that has an eligible medical
5 condition to use an employee toilet facility that is not a
6 public restroom if the act or omission meets all of the
7 following:

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

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

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

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

17 Section 5. Penalty.

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

20 Section 6. Effective date.

21 This act shall take effect immediately.