

BILL ANALYSIS

DATE: 4/24/09

COMMITTEE: Consumer Protection and
Professional Licensure

BILL NO.: SB 354

PRIME SPONSOR: Senator Greenleaf

PRINTER NO. 352

Senate Bill 354 would provide for restroom access for certain customers of retail establishments and for a penalty.

This legislation would require a retail establishment to allow a customer to access its “employee only” restrooms. The requirement would not apply when there was an obvious health or security risk or if a public restroom was not immediately accessible to the customer. A retail establishment that has a toilet facility for its employees shall allow a customer to use that facility during normal business hours.

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

The customer will provide the retail establishment with documentation in writing by the customer's physician or an identification card that is issued to the customer by a nonprofit organization whose purpose includes serving individuals who suffer from such disease or condition.

A retail establishment that violates the provisions of this act is punishable by a civil penalty of up to \$500.

The magisterial district judge for the jurisdiction in which the retail establishment is located may impose the civil penalty authorized by this section.

This act shall take effect immediately.