



State of Connecticut  
HOUSE OF REPRESENTATIVES  
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LEGISLATIVE MANAGEMENT COMMITTEE  
HUMAN SERVICES COMMITTEE

February 6, 2009  
Public Health Committee  
*Testimony for HB-5133*

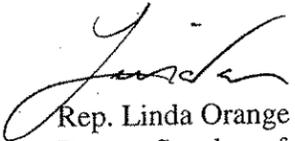
To the Distinguished Co-Chairs and Members:

I wish to offer testimony on behalf of *An Act Concerning Access To Restrooms In Retail Establishments For Individuals With Digestive Disorders*. This issue was brought to my attention by my constituent Beth Schondorf, whose family is afflicted with Crohn's Disease.

As we all know, many commercial and retail entities maintain policies to limit usage of their restrooms to employees, thus barring members of the public. In most situations this remains a sensible alternative to letting the public access back storeroom areas, or to task employees with the increased maintenance that would accompany public access.

However for individuals with certain genetic afflictions, the path of restraint is not an option. The immune system actually attacks the gastrointestinal tract, presenting a host of problems when engaging in retail shopping with no public restrooms available. Our society is predicated on the logic of basic human dignity, and this is the reason I have put forward this "good Samaritan" legislation. Attached with my testimony is legislation on this subject that was passed in Illinois.

I thank the committee for its consideration, and I commend your willingness to discuss this issue which is of special importance to some citizens of our state.

  
Rep. Linda Orange  
Deputy Speaker of the House



**Public Act 094-0450**

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Public Act 094-0450

HB0834 Enrolled

LRB094 07984 RXD 38166 b

AN ACT concerning public health, which may be referred to as Ally's Law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Restroom Access Act.

Section 5. Definitions. In this Act:

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

"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.

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

Section 10. Retail establishment; customer access to restroom facilities. A retail establishment that has a toilet facility for its employees shall allow a customer to use that facility during normal business hours if the toilet facility is reasonably safe and all of the following conditions are met:

(1) The customer requesting the use of the employee toilet facility suffers from an eligible medical condition or utilizes an ostomy device.

(2) Three or more employees of the retail establishment are working at the time the customer requests use of the employee toilet facility.

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

(4) The employee toilet 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 retail establishment.

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

Section 15. Liability.

(a) A retail establishment or an employee of a retail

establishment is not civilly liable for any act or omission in allowing a customer that has an eligible medical condition to use an employee toilet facility that is not a public restroom if the act or omission meets all of the following:

(1) It is not willful or grossly negligent.

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

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

(b) A retail establishment is not required to make any physical changes to an employee toilet facility under this Act.

Section 20. Violation. A retail establishment or an employee of a retail establishment that violates Section 10 is guilty of a petty offense. The penalty is a fine of not more than \$100.

Section 99. Effective date. This Act takes effect upon becoming law.

**Effective Date: 8/4/2005**