



General Assembly

January Session, 2009

Raised Bill No. 6328

LCO No. 2803

02803_____PH_

Referred to Committee on Public Health

Introduced by:
(PH)

**AN ACT CONCERNING CUSTOMER ACCESS TO RESTROOMS IN
RETAIL ESTABLISHMENTS.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) As used in this
2 section:

3 (1) "Customer" means an individual who is lawfully on the premises
4 of a retail establishment;

5 (2) "Eligible medical condition" means Crohn's disease, ulcerative
6 colitis, inflammatory bowel disease, irritable bowel syndrome, a
7 medical condition that requires use of an ostomy device or a bladder
8 disorder;

9 (3) "Licensed health care provider" means a physician or a physician
10 assistant licensed under chapter 370 of the general statutes or an
11 advanced practice registered nurse licensed under chapter 378 of the
12 general statutes;

13 (4) "Restroom" means a room containing a toilet; and

14 (5) "Retail establishment" means a place of business open to the
15 general public for the sale of goods or services.

16 (b) Any retail establishment that has a restroom for employee use,
17 which typically does not permit customer access to such employee
18 restroom, shall permit a customer to use the employee restroom
19 during normal business hours if the restroom is maintained in a
20 reasonably safe manner and all of the following conditions are met:

21 (1) The customer requesting access to the employee restroom
22 presents written evidence in the form of a card, issued by a licensed
23 health care provider, that documents that the customer suffers from an
24 eligible medical condition;

25 (2) A public restroom is not immediately accessible to the customer;

26 (3) At the time that the request for access to the employee restroom
27 is made, three or more employees of the retail establishment are
28 working; and

29 (4) The employee restroom is located in an area of the retail
30 establishment that does not present an obvious risk to the health or
31 safety of the customer or an obvious security risk to the retail
32 establishment.

33 (c) A retail establishment or employee of a retail establishment shall
34 not be liable for any acts or omissions in providing a customer access
35 to an employee restroom pursuant to the provisions of this section, if
36 such acts or omissions: (1) Do not constitute gross, wilful or wanton
37 negligence on the part of the retail establishment or employee of the
38 retail establishment; (2) occurred in an area of the retail establishment
39 that is not otherwise accessible to customers; and (3) resulted in injury
40 or death of a customer or individual other than an employee
41 accompanying the customer to the restroom.

42 (d) No retail establishment shall be required to make a physical
43 change to the employee restroom to effectuate the purposes of this

44 section.

45 (e) The Commissioner of Consumer Protection may impose a civil
46 penalty of not more than one hundred dollars for a violation of this
47 section. Any civil penalty collected pursuant to this subsection shall be
48 deposited in the consumer protection enforcement account established
49 in section 21a-8a of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	New section

Statement of Purpose:

To provide access to employee restrooms in retail establishments to those individuals suffering from eligible medical conditions.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]