

2021 -- H 5431

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO HEALTH AND SAFETY -- RESTROOM ACCESS ACT

Introduced By: Representatives Ackerman, Chippendale, Hawkins, Baginski, and
McNamara

Date Introduced: February 08, 2021

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 20.13

4 RESTROOM ACCESS ACT

5 **23-20.13-1. Short title.**

6 This act shall be known and may be cited as the "Restroom Access Act."

7 **23-20.13-2. Definitions.**

8 As used in this section:

9 (1) "Customer" means an individual who is lawfully on the premises of a retail
10 establishment.

11 (2) "Eligible medical condition" means Crohn's disease, ulcerative colitis, any other
12 inflammatory bowel disease, irritable bowel syndrome, pregnancy, cancer or any other medical
13 condition that requires immediate access to a restroom facility.

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

16 **23-20.13-3. Customer access to retail establishment restroom facilities.**

17 A retail establishment that has a restroom facility for its employees shall allow a customer
18 to use that facility during normal business hours if all of the following conditions are met:

19 (1) The customer requesting the use of the employee restroom facility suffers from an

1 eligible medical condition or utilizes an ostomy device;

2 (2) Three (3) or more employees of the retail establishment are working at the time the
3 customer requests use of the employee restroom facility;

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

5 (4) The employee restroom facility is not located in an area where providing access would
6 create an obvious health or safety risk to the customer or an obvious security risk to the retail
7 establishment;

8 (5) A public restroom is not immediately accessible to the customer; and

9 (6) When requesting access to an employee restroom facility, a customer shall present to
10 an employee of the retail establishment proof of an eligible medical condition. The proof shall take
11 the form of a document issued by a licensed physician or the Crohn's & Colitis Foundation of
12 America identifying the presenter of the document and citing the appropriate statutory authority.

13 **23-20.13-4. Liability.**

14 (a) A retail establishment or an employee of a retail establishment shall not be civilly liable
15 for any act or omission in allowing a customer, who claims to have an eligible medical condition,
16 to use an employee restroom facility that is not a public restroom if the act or omission meets all of
17 the following:

18 (1) It is not willful or grossly negligent;

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

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

22 (b) A retail establishment is not required to make any physical changes or improvements
23 to an employee restroom facility located on the premises pursuant to this section.

24 SECTION 2. This act shall take effect on January 1, 2022.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- RESTROOM ACCESS ACT

1 This act would require retail establishments with three (3) or more employees on the
2 premises without immediately accessible public restroom facilities to allow customers suffering
3 from eligible medical conditions access to their employee restrooms upon presentation of
4 documentation issued by a licensed physician.

5 This act would take effect on January 1, 2022.

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