

1 H.681

2 Introduced by Representative Grad of Moretown

3 Referred to Committee on

4 Date:

5 Subject: Health; inflammatory bowel disease; public accommodation;  
6 restroom access

7 Statement of purpose of bill as introduced: This bill proposes to require retail  
8 establishments to allow a customer with an inflammatory bowel disease to use  
9 an employee restroom when a public restroom is not immediately accessible.

10 An act relating to access to employee restrooms for individuals living with  
11 an inflammatory bowel disease

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 18 V.S.A. § 1311 is added to read:

14 § 1311. RESTROOM ACCESS; INFLAMMATORY BOWEL DISEASE

15 (a) As used in this section:

16 (1) "Customer" means a member of the public who is lawfully on the  
17 premises of a retail establishment.

18 (2) "Eligible medical condition" means Crohn's disease, ulcerative  
19 colitis, any other inflammatory bowel disease, irritable bowel syndrome, or any  
20 other medical condition that requires immediate access to a restroom.

1           (3) “Employee restroom” means a restroom intended for only the  
2           employees of a retail facility and not for customers.

3           (4) “Retail establishment” means a place of business open to the general  
4           public for the sale of goods or services.

5           (b) A retail establishment that has an employee restroom shall allow a  
6           customer to use that restroom during normal business hours if all of the  
7           following conditions are met:

8           (1) The customer requesting the use of the employee restroom has an  
9           eligible medical condition or uses an ostomy device and offers a physician’s  
10          note indicating the eligible medical condition or device.

11          (2) The retail establishment does not have a public restroom that is  
12          immediately accessible to the customer.

13          (3) The employee restroom is not located in an area where providing  
14          access would create an obvious health or safety risk to the customer or an  
15          obvious security risk to the establishment.

16          (4) At the time the request for access to the employee restroom is made,  
17          three or more employees of the retail establishment are working.

18          (c) A retail establishment or an employee of a retail establishment is not  
19          civilly liable for any act or omission in allowing a customer meeting the  
20          conditions in subsection (b) of this section to use an employee restroom if the  
21          act or omission:

1           (1) is not willful or grossly negligent;

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

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

6           (d) An employee of a retail establishment who refuses to provide access to  
7 an employee restroom to a customer with an eligible medical condition or  
8 ostomy device and who offers a physician's note pursuant to this section shall  
9 be fined not more than \$500.00.

10       Sec. 2. EFFECTIVE DATE

11           This act shall take effect on July 1, 2016.