

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred Senate Bill  
3 No. 181 entitled “An act relating to access to employee restrooms for  
4 individuals living with an inflammatory bowel disease” respectfully reports  
5 that it has considered the same and recommends that the bill be amended by  
6 striking out all after the enacting clause and inserting in lieu thereof the  
7 following:

8 \* \* \* Restroom Access for Eligible Conditions \* \* \*

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

10 § 1311. RESTROOM ACCESS; INFLAMMATORY BOWEL DISEASE

11 (a) As used in this section:

12 (1) “Customer” means a member of the public who is lawfully on the  
13 premises of a retail establishment.

14 (2) “Eligible medical condition” means Crohn’s disease, ulcerative  
15 colitis, any other inflammatory bowel disease, irritable bowel syndrome, or any  
16 other medical condition that requires immediate access to a restroom.

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

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

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

4           (1) The customer requesting the use of the employee restroom has an  
5       eligible medical condition or uses an ostomy device and offers a card signed by  
6       the customer's physician indicating the eligible medical condition or device.

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

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

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

14       (c) A retail establishment or an employee of a retail establishment is not  
15       civily liable for any act or omission in allowing a customer meeting the  
16       conditions in subsection (b) of this section to use an employee restroom if the  
17       act or omission:

18           (1) is not willful or grossly negligent;

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

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

3           (d) An employee of a retail establishment who refuses to provide access to  
4           an employee restroom to a customer with an eligible medical condition or  
5           ostomy device who offers a card signed by the customer’s physician pursuant  
6           to this section shall be subject to a civil penalty of not more than \$100.00 for  
7           the first offense and not more than \$500.00 for any subsequent offense. An  
8           action to enforce this section shall be brought in the Judicial Bureau pursuant  
9           to 4 V.S.A. chapter 29.

10           (e) The Department of Health shall develop a printable card available on its  
11           website that, when signed by a physician licensed pursuant to 26 V.S.A.  
12           chapter 23 or 33 who diagnoses and treats the eligible medical condition or  
13           provides for the use of an ostomy device, may be carried by a patient with an  
14           eligible medical condition or ostomy device to ensure access to an employee  
15           restroom in a retail establishment in accordance with this section.

16                           \* \* \* Judicial Bureau \* \* \*

17           Sec. 2. 4 V.S.A. § 1102 is amended to read:

18           § 1102. JUDICIAL BUREAU; JURISDICTION

19                           \* \* \*

20           (b) The Judicial Bureau shall have jurisdiction of the following matters:

21                           \* \* \*

