

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

9 § 1311. RESTROOM ACCESS; INFLAMMATORY BOWEL DISEASE

10 (a) As used in this section:

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

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

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

18 (4) “Retail establishment” means a place of business open to the general
19 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 issued 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 civilly 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 and who offers a card issued by the customer’s physician
6 pursuant to this section shall be fined not more than \$500.00.

7 (e) The Department of Health shall develop and distribute cards to be used
8 by patients with an eligible medical condition or ostomy device to physicians
9 licensed pursuant to 26 V.S.A. chapter 23 or 33 who diagnose and treat the
10 eligible medical condition or provide for the use of an ostomy device.

11 Sec. 2. EFFECTIVE DATE

12 This act shall take effect on July 1, 2020.

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20 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE