

2008 SESSION

INTRODUCED

088010456

HOUSE BILL NO. 733

Offered January 9, 2008

Prefiled January 8, 2008

A BILL to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 50, consisting of sections numbered 59.1-550 through 59.1-553, relating to the Restroom Access Act; created; civil penalty.

Patron—Caputo (By Request)

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 50, consisting of sections numbered 59.1-550 through 59.1-553, as follows:

CHAPTER 50.

RESTROOM ACCESS ACT.

§ 59.1-550. Definitions.

As used in this chapter:

"Customer" means an individual who is lawfully on the premises of a retail establishment.

"Eligible medical condition" means Chron's disease, ulcerative colitis, any other inflammatory bowel disease, irritable bowel syndrome, or any other medical condition that requires immediate access to a toilet facility.

"Retail establishment" means a place of business open to the general public for the sale of goods or services. "Retail establishment" does not include a filling station or service station, with a structure of 800 square feet or less, that has an employee toilet facility located within that structure.

§ 59.1-551. Retail establishment; customer access to restroom facilities.

A retail establishment that has a toilet facility for its employees shall allow a customer to use that facility during normal business hours if the toilet facility is reasonably safe and all of the following conditions are met:

1. The customer requesting the use of the employee toilet facility suffers from an eligible medical condition or utilizes an ostomy device;

2. Three or more employees of the retail establishment are working at the time the customer requests use of the employee toilet facility;

3. The retail establishment does not normally make a restroom available to the public;

4. The employee toilet facility is not located in an area where providing access would create an obvious security risk to the retail establishment; and

5. A public restroom is not immediately accessible to the customer.

§ 59.1-552. Liability.

A. A retail establishment or an employee of a retail establishment is not civilly liable for any act or omission in allowing a customer that has an eligible medical condition to use an employee toilet facility that is not a public restroom if the act or omission meets all of the following:

1. It is not willful or grossly negligent;

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

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

B. A retail establishment is not required to make any physical changes to an employee toilet facility under this Act.

§ 59.1- 553. Penalty.

A retail establishment or an employee of a retail establishment that violates the provisions of this chapter shall be subject to a civil penalty of \$100.

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