

16103064D

HOUSE BILL NO. 1123

Offered January 13, 2016

Prefiled January 13, 2016

A *BILL to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 51, consisting of sections numbered 59.1-556 through 59.1-559, relating to customer access to restrooms.*

Patrons—Hope and Bell, John J.

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 51, consisting of sections numbered 59.1-556 through 59.1-559, as follows:

CHAPTER 51.**RESTROOM ACCESS ACT.****§ 59.1-556. Definitions.**

As used in this chapter, unless the context requires a different meaning:

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

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

"Physician" means a person licensed to practice medicine or osteopathy in the Commonwealth pursuant to Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1.

"Retail establishment" means a place of business open to the general public for the sale of goods or services.

§ 59.1-557. Retail establishment; customer access to toilet facilities.

A retail establishment that has a toilet facility for its employees shall allow a customer to use the employee toilet facility during normal business hours if:

1. The retail establishment does not have a public restroom that is immediately accessible to the customer;

2. The employee toilet facility is not located in an area where providing access would create an obvious health or safety risk to the customer or an obvious security risk to the retail establishment;

3. The customer requesting use of the employee toilet facility provides the retail establishment with evidence of the customer's eligible medical condition including:

a. A copy of a statement signed by a physician on a prescription form that indicates the customer suffers from an eligible medical condition or uses an ostomy device; or

b. An identification card that is issued by a nationally recognized health organization or a local health department and that indicates the customer suffers from an eligible medical condition or uses an ostomy device; and

4. Three or more employees of the retail establishment are working and physically present on the premises of the retail establishment at the time the customer requests to use the employee toilet facility.

§ 59.1-558. Liability; changes to facility.

A. A retail establishment or an employee of a retail establishment is not civilly liable for any act or omission in allowing a customer who 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 the 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 chapter.

§ 59.1-559. Civil liability.

A customer who suffers loss as the result of an act or omission by a retail establishment or an employee of a retail establishment that violates this chapter shall be entitled to bring an individual action to recover damages, not to exceed \$100, resulting from such violation.

INTRODUCED

HB1123