

SECOND REGULAR SESSION

HOUSE BILL NO. 2339

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JONES (117).

Read 1st time March 4, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5429L.01I

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to the restroom access act.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be known as section 407.1001, to read as follows:

407.1001. 1. This section shall be known and may be cited as the "Restroom Access Act".

2. As used in this section, the following terms shall mean:

(1) "Customer", an individual who is lawfully on the premises of a retail establishment;

(2) "Eligible medical condition", Crohn'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;

(3) "Retail establishment", 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 eight hundred square feet or less that has an employee toilet facility located within such structure.

3. 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:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 16 (1) The customer requesting the use of the employee toilet facility suffers from an
17 eligible medical condition or utilizes an ostomy device;
- 18 (2) Three or more employees of the retail establishment are working at the time the
19 customer requests use of the employee toilet facility;
- 20 (3) The retail establishment does not normally make a restroom available to the
21 public;
- 22 (4) The employee toilet facility is not located in an area where providing access
23 would create an obvious health or safety risk to the customer or an obvious security risk
24 to the retail establishment; and
- 25 (5) A public restroom is not immediately accessible to the customer.
- 26 4. (1) A retail establishment or an employee of a retail establishment shall not be
27 civilly liable for any act or omission in allowing a customer that has an eligible medical
28 condition to use an employee toilet facility that is not a public restroom if the act or
29 omission meets all of the following:
- 30 (a) It is not willful or grossly negligent;
- 31 (b) It occurs in an area of the retail establishment that is not accessible to the
32 public; and
- 33 (c) It results in an injury to or death of the customer or any individual other than
34 an employee accompanying the customer.
- 35 (2) A retail establishment shall not be required to make any physical changes to an
36 employee toilet facility under this section.
- 37 5. A retail establishment or an employee of a retail establishment that violates this
38 section is guilty of an infraction.

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