

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1675

By: Ownbey

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6 AS INTRODUCED

7 An Act relating to public health and safety; creating
8 the Restroom Access Act; defining terms; requiring
9 access to employee toilets by certain customers under
10 certain circumstances; exempting retail
11 establishments from civil liability upon certain
12 circumstances; providing penalty for violation;
13 providing for codification; and providing an
14 effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1-1031 of Title 63, unless there
18 is created a duplication in numbering, reads as follows:

19 This act shall be known and may be cited as the "Restroom Access
20 Act".

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1-1032 of Title 63, unless there
23 is created a duplication in numbering, reads as follows:

24 For purposes of the Restroom Access Act:

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

1 2. "Eligible medical condition" means Crohn's disease,
2 ulcerative colitis, any other inflammatory bowel disease, irritable
3 bowel syndrome, or any other medical condition that requires
4 immediate access to a toilet facility; and

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

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1-1033 of Title 63, unless there
12 is created a duplication in numbering, reads as follows:

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

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

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

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

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

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

7 SECTION 4. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1-1034 of Title 63, unless there
9 is created a duplication in numbering, reads as follows:

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

15 1. It is not willful or grossly negligent;

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

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

20 B. A retail establishment is not required to make any physical
21 changes to an employee toilet facility under the Restroom Access
22 Act.

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1 C. A retail establishment or an employee of a retail
2 establishment that violates Section 3 of this act shall be subject
3 to a fine of not more than One Hundred Dollars (\$100.00).

4 SECTION 5. This act shall become effective November 1, 2009.

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