

1 STATE OF OKLAHOMA

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

3 SENATE BILL 410

By: Crain

4  
5  
6 AS INTRODUCED

7 An Act relating to public health and safety; creating  
8 the Restroom Access Act; providing short title;  
9 defining terms; directing certain retail  
10 establishments to allow customers to use toilet  
11 facilities in specified circumstances; directing  
12 certain persons to leave toilet facilities in the same  
13 condition; clarifying degree of care for certain  
14 customers; providing for penalties; clarifying duty of  
15 retail establishments; providing for codification; and  
16 providing an effective date.

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

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

21 This act shall be known and may be cited as the "Restroom Access  
22 Act".

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

As used in the Restroom Access Act:

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

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

7        3. "Physician" means an individual authorized to practice  
8 medicine or osteopathy under the law of any state; and

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

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

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

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

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

22        3. The customer requesting use of the employee toilet facility  
23 provides the retail establishment with evidence of the eligible  
24 medical condition of the customer, including:

- 1 a. a copy of a statement signed by a physician, a  
2 registered nurse, a physician assistant, or a person  
3 acting under the delegation and supervision of a  
4 licensed physician that indicates the customer suffers  
5 from an eligible medical condition or uses an ostomy  
6 device, or  
7 b. an identification card that is issued by a nationally  
8 recognized health organization that indicates the  
9 customer suffers from an eligible medical condition or  
10 uses an ostomy device; and

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

15 B. A customer who uses a toilet facility pursuant to this act  
16 shall leave the toilet facility in the same condition as it was  
17 before the customer used the toilet facility.

18 C. In providing access to an employee toilet facility pursuant  
19 to this act, the retail establishment or employee does not owe the  
20 customer to whom access is provided a greater degree of care than is  
21 owed to a licensee on the premises.

22 D. An employee of a retail establishment who refuses to provide  
23 a customer with access to an employee toilet facility as required by  
24

1 this act shall be guilty of a misdemeanor punishable by a fine of not  
2 more than One Hundred Dollars (\$100.00).

3 E. A retail establishment is not required to make any physical  
4 changes to an employee toilet facility under this section.

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

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7 52-1-511 JM 6/3/2015 8:38:09 AM

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