

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1901

By: Scott

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.

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

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

17 This act shall be known and may be cited as the "Restroom Access
18 Act".

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

22 For purposes of the Restroom Access Act:

23 1. "Customer" means an individual who is lawfully on the
24 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 (800) square feet or
9 less, that has an employee toilet facility located within that
10 structure.

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

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

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

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

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

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

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

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

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

17 1. It is not willful or grossly negligent;

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

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

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

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, 2011.

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