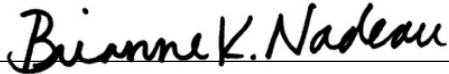


Councilmember Brandon T. Todd



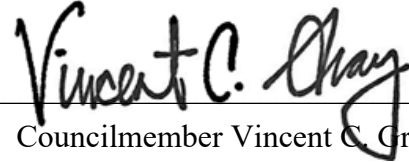
Councilmember Brooke Pinto



Councilmember Brianne K. Nadeau



Councilmember Charles Allen



Councilmember Vincent C. Gray

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

6 To provide an individual with a relevant and documented medical condition access to a public or
7 an employee toilet facility of a retail establishment under certain conditions, to require
8 the Department of Health to develop a standard identification card to be used by an
9 individual with an eligible medical condition for toilet facility access and to make the
10 identification card available to the public on the website of the Department of Health, to
11 clarify that a retail establishment shall not be required to make physical changes to an
12 employee toilet facility or to provide general public access to an employee toilet facility,
13 and to provide civil penalties to be enforced by the Department of Health for violations of
14 this act.

15
16 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
17 act may be cited as the “Medical Necessity Restroom Access Act of 2020”.

18 Sec. 2. Definitions.

19 For the purposes of this act, the term:

20 (1) “Department” means the Department of Health.

21 (2) “Eligible medical condition” means Crohn’s disease, ulcerative colitis, any
22 other inflammatory bowel disease, irritable bowel syndrome, the use of an ostomy device, or any

23 other diagnosed medical condition, including pregnancy, that requires immediate access to a
24 toilet facility.

25 (3) "Employee toilet facility" means a toilet facility that is normally not available
26 for public access.

27 (4) "Medical professional" mean a physician, a nurse practitioner, or a physician
28 assistant.

29 (5) "Retail establishment" means a place of business open to the general public
30 for the sale of goods or services.

31 Sec. 3. Toilet facility access.

32 (a)(1) A retail establishment that has a public or employee toilet facility shall allow an
33 individual with an eligible medical condition reasonable access to a toilet facility upon request if:

34 (A) The individual provides an employee of the retail establishment the
35 identification card prepared by the Department pursuant to subsection (b) of this section,
36 documenting the eligible medical condition and signed by a medical professional;

37 (B) The individual is lawfully on the premises of the retail establishment;

38 (C) The request for toilet facility access is made during business hours;

39 (D) Three or more employees are working at the time the individual

40 requests toilet facility access; and

41 (E) An employee toilet facility is not located in an area where providing
42 access to the area would create an obvious health or safety risk to the requesting individual or
43 obvious security risk to the retail establishment.

44 (2) The retail establishment shall have the discretion as to which toilet facility to
45 provide access to the individual; provided, that if a public restroom is not immediately available

46 at the retail establishment, the individual shall be allowed reasonable access to the employee
47 toilet facility.

48 (b) Within 30 days of the effective date of this act, the Department shall:

49 (1) Develop a standard identification card to be used by an individual with an
50 eligible medical condition that:

51 (A) States that the holder of the identification card has an eligible medical
52 condition; and

53 (B) Has an expiration date of not more than one year that may be renewed
54 by a medical professional; and

55 (2) Make a copy of the identification card available to the public on the
56 Department's website.

57 (c) The identification card provided in subsection (b) of this section shall not be effective
58 until a medical professional documents the individual's eligible medical condition and signs the
59 identification card.

60 (d) A retail establishment shall not be required to make any physical changes to an
61 employee toilet facility or provide general public access to an employee toilet facility under this
62 act.

63 (e) Notwithstanding any provision of this act, an employee toilet facility shall not be
64 considered a public restroom.

65 Sec. 4. Liability, penalties, and enforcement.

66 (a) A retail establishment or an employee of a retail establishment shall not be liable for
67 any act or omission in allowing an individual with an eligible medical condition access to an
68 employee toilet facility unless the act or omission is willful or reckless.

69 (b) A retail establishment or an employee of a retail establishment that violates section
70 3 of this act shall receive a warning from the Department for the first violation and be subject to
71 a civil penalty of \$100 for every subsequent violation, to be enforced by the Department.

72 Sec. 5. Applicability.

73 (a) Section 4(b) of this Act shall apply upon the date of inclusion of their fiscal effect in
74 an approved budget and financial plan.

75 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in
76 an approved budget and financial plan and provide notice to the Budget Director of the Council
77 of the certification.

78 (c)(1) The Budget Director shall cause the notice of the certification to be published in
79 the District of Columbia Register.

80 (2) The date of publication of the notice of the certification shall not affect the
81 applicability of this act.

82 Sec. 6. Fiscal impact statement.

83 The Council adopts the fiscal impact statement in the committee report as the fiscal
84 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
85 approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

86 Sec. 7. Effective date.

87 This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor,
88 action by the Council to override the veto), a 30-day period of congressional review as provided
89 in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973
90 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia
91 Register.