

SENATE BILL No. 315

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-4-14.5; IC 34-30-2-96.2.

Synopsis: Access to employee restrooms. Provides that if a retail establishment has a restroom facility on its premises for the use of the retail establishment's employees, a customer, upon request, must be allowed to use the restroom facility during normal business hours if certain conditions are met. Specifies that a customer who uses the retail establishment's employee restroom facility is responsible for leaving the restroom facility in the same condition as when the customer entered the restroom facility. Provides immunity from civil liability for any act or omission in allowing a customer to use an employee restroom facility if all of the conditions are met, provided that the act or omission: (1) is not willful or grossly negligent; and (2) occurs in an area of the retail establishment that is not accessible to the public. Imposes a maximum \$100 civil penalty for violating the provision permitting individuals with certain medical conditions to use employee restrooms at a retail establishment.

Effective: July 1, 2017.

Becker

January 9, 2017, read first time and referred to Committee on Civil Law.



First Regular Session 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

SENATE BILL No. 315

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 24-4-14.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]:

4 **Chapter 14.5. Access to Employee Restrooms for Customers**
5 **With Medical Conditions**

6 **Sec. 1. (a) The definitions set forth in this section apply**
7 **throughout this chapter.**

8 **(b) "Customer" means a person who is lawfully on the premises**
9 **of a retail establishment.**

10 **(c) "Eligible medical condition" means Crohn's disease or**
11 **ulcerative colitis.**

12 **(d) "Retail establishment" means a place of business that is**
13 **open to the general public for the sale of goods or services.**

14 **Sec. 2. (a) If a restroom facility for the use of the employees of**
15 **a retail establishment is located on the premises of the retail**
16 **establishment, the owner or operator of the retail establishment or**
17 **an employee of the retail establishment shall, upon request, allow**



a customer to use the restroom facility during normal business hours if all of the following conditions are met:

(1) The restroom facility is reasonably safe for use by the customer.

(2) The customer requesting the use of the restroom facility:
 (A) suffers from an eligible medical condition and holds a written certification of the eligible medical condition by the individual's treating health care provider for the condition; or

(B) uses an ostomy device.

(3) At least three (3) employees of the retail establishment are working in the retail establishment when the customer requests use of the restroom facility.

(4) The retail establishment does not normally make the restroom available to the public.

(5) Providing the customer with access to the restroom facility does not create:

(A) an obvious health or safety risk to the customer; or

(B) an obvious security risk to the retail establishment; because of the nature of the area in which the restroom facility is located.

(6) There is no public restroom that is immediately accessible to the customer.

(b) A customer with an eligible medical condition who uses a retail establishment's restroom facility under this chapter is responsible for leaving the restroom facility in the same condition as when the customer entered the restroom facility.

Sec. 3. An owner, operator, or employee of a retail establishment is not civilly liable for any act or omission in allowing a customer who has an eligible medical condition to use a restroom facility under the conditions set forth in section 2 of this chapter if the act or omission:

(1) is not willful or grossly negligent; and

(2) occurs in an area of the retail establishment that is not accessible to the public;

even if the act or omission results in an injury to or the death of the customer or any individual other than an owner, operator, or employee accompanying the customer.

Sec. 4. An owner, operator, or employee of a retail establishment who denies a customer access to a restroom facility in violation of section 2 of this chapter commits a Class C infraction. Notwithstanding IC 34-28-5-4(c), a civil judgment for



1 an infraction committed in violation of section 2 of this chapter
2 may not exceed one hundred dollars (\$100).

3 **Sec. 5. This chapter does not require any physical changes to be**
4 **made to an employee restroom facility located in a retail**
5 **establishment.**

6 SECTION 2. IC 34-30-2-96.2 IS ADDED TO THE INDIANA
7 CODE AS A NEW SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2017]: **Sec. 96.2. IC 24-4-14.5-3 (Concerning**
9 **acts or omissions of an owner, operator, or employee of a retail**
10 **establishment in allowing a customer with an eligible medical**
11 **condition to use a restroom facility for employees).**

