

HOUSE No. 02366

The Commonwealth of Massachusetts

PRESENTED BY:

Louis L. Kafka

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to public access of private restrooms

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>
<i>George Ross</i>	<i>2nd Bristol</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Kathi-Anne Reinstein</i>	<i>16th Suffolk</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>

HOUSE No. 02366

By Mr. Kafka of Stoughton, a petition (accompanied by bill, House, No. 2366) of Reinstein and others relative to public access of private restrooms Joint Committee on Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 2074 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act Relative to public access of private restrooms

□.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Section 1. Chapter 270 of the Massachusetts General Laws, as appearing in the 2004
2 Official Edition, is hereby amended by adding at the end thereof the following section:
- 3 Section 24. (a). Definitions- “customer” shall mean an individual who is lawfully on the
4 premises of a retail establishment; “eligible medical condition” shall mean Crohn’s disease or
5 ulcerative colitis; or any other medical condition that requires immediate access to a restroom
6 facility;
- 7 “retail establishment” shall mean any business or place where members of the public have access
8 as invitees or licenses.

9 (b). A retail establishment that has a restroom facility for its employees shall allow a customer to
10 use that facility during normal business hours if the following conditions are met:

11 (1) The customer requesting the use of the employee restroom facility suffers from an
12 eligible medical condition or uses an ostomy device, provided that the existence of the condition
13 or device is documented in writing by the customer's physician;

14 (2) two or more employees of the retail establishment are working at the time the
15 customer requests use of the employee restroom facility;

16 (3) the retail establishment does not normally make a restroom available to the public;

17 (4) the employee restroom facility is not located in an area where providing access would
18 create an obvious health or safety risk to the customer or an obvious security risk to the
19 establishment.

20 (c). A retail establishment or an employee of a retail establishment is not civilly liable for an act
21 or omission in allowing a customer who claims to have an eligible medical condition to use an
22 employee restroom facility that is not a public restroom if the act or omission is not negligent
23 and occurs in an area of the retail establishment that is not generally accessible to the public and
24 results in an injury to, or death of, the customer or individual, other than an employee,
25 accompanying the customer.

26 (d). This section does not require a retail establishment to make any physical changes or
27 improvements to an employee restroom facility located on the premises.

28 (e). A violation of this section shall for the first offense be punished by a fine of one hundred
29 dollars. A second or subsequent offense shall not be less than one hundred nor more than two
30 hundred dollars.