

FIRST REGULAR SESSION

HOUSE BILL NO. 789

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MACKEY.

0322H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to customer access to restrooms, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 191, RSMo, is amended by adding thereto one new section, to be known as section 191.715, to read as follows:

191.715. 1. As used in this section, the following terms shall mean:

2 (1) "Customer", an individual who is lawfully on the premises of a place of
3 public accommodation;

4 (2) "Eligible medical condition", Crohn's disease, ulcerative colitis, or any other
5 medical condition that requires immediate access to a restroom facility;

6 (3) "Place of public accommodation", a place or business offering or holding out
7 to the general public goods, services, privileges, facilities, advantages, or
8 accommodations for the peace, comfort, health, welfare, and safety of the general
9 public or such public places providing food, shelter, recreation, or amusement.

10 2. A place of public accommodation that has a restroom facility for its employees
11 shall allow a customer to use that facility if all of the following conditions are met:

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

15 (2) The place of public accommodation does not have a public restroom
16 immediately available to the customer.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

17 **3. A place of public accommodation, or an employee of a place of public**
18 **accommodation, shall not be civilly liable for an act or omission in allowing a customer**
19 **who claims to have an eligible medical condition to use an employee restroom facility**
20 **that is not a public restroom.**

21 **4. A customer who uses a restroom facility as authorized under this section shall**
22 **leave the restroom facility in the same condition as it was before the customer used the**
23 **restroom facility.**

24 **5. An employee of a place of public accommodation who refuses to provide a**
25 **customer with access to a restroom facility as required under this section commits an**
26 **offense. An offense under this section is a misdemeanor punishable by a fine of no more**
27 **than one hundred dollars.**

✓