1	HOUSE BILL NO. 474
2	AMENDMENT IN THE NATURE OF A SUBSTITUTE
3	(Proposed by the House Committee for Courts of Justice
4	on _____)
5	(Patron Prior to Substitute--Delegate Coyner)
6	A BILL to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 57, consisting of
7	sections numbered 59.1-603 through 59.1-606, relating to Restroom Access Act.
8	**Be it enacted by the General Assembly of Virginia:**
9	**1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 57, consisting**
10	**of sections numbered 59.1-603 through 59.1-606, as follows:**
11	CHAPTER 57.
12	RESTROOM ACCESS ACT.
13	**§ 59.1-603. Definitions.**
14	As used in this chapter, unless the context requires a different meaning:
15	"Customer" means an individual who is lawfully on the premises of a retail establishment.
16	"Eligible medical condition" means (i) any inflammatory bowel disease, including Crohn's disease,
17	ulcerative colitis, or irritable bowel syndrome; (ii) the use of an ostomy device; or (iii) any other diagnosed
18	medical condition, including pregnancy, that requires immediate access to a toilet facility.
19	"Employee toilet facility" means a toilet facility in a retail establishment that is not a public
20	restroom but is used by employees of the retail establishment.
21	"Medical professional" means a physician, naturopathic physician, physician assistant, nurse, or
22	nurse practitioner qualified to diagnose an eligible medical condition.
23	"Retail establishment" means a place of business open to the general public for the sale of goods
24	or services.
25	**§ 59.1-604. Retail establishment; customer access to toilet facilities.**

26   A retail establishment that has an employee toilet facility shall allow any customer to use such

27   employee toilet facility during normal business hours if:

28   1. The customer does not have immediate access to a public restroom;

29   2. The employee toilet facility is not located in an area where providing access would create an

30   obvious health or safety risk to the customer or others or an obvious security risk to the retail

31   establishment;

32   3. The customer provides the retail establishment with evidence of the customer's eligible medical

33   condition. Such evidence shall indicate that the customer suffers from an eligible medical condition and

34   shall either be a copy of a statement signed by a medical professional on a prescription form or an

35   identification card; and

36   4. At least two employees of the retail establishment are working onsite at the time the customer

37   requests to use the employee toilet facility.

38   **§ 59.1-605. Liability limited; changes to facility.**

39   A. A retail establishment or the employee of such establishment shall not be civilly liable for any

40   act or omission in allowing a customer with an eligible medical condition to use an employee toilet facility

41   if the act or omission:

42   1. Is not willful or grossly negligent;

43   2. Occurs in an area of the retail establishment that is not accessible to the public; and

44   3. Results in an injury to or the death of the customer or any individual other than an employee

45   accompanying the customer.

46   B. No retail establishment shall be required to make any changes to an employee toilet facility

47   under this chapter.

48   **§ 59.1-606. Civil liability.**

49   A customer who suffers loss as the result of an act or omission by a retail establishment or an

50   employee of a retail establishment that violates this chapter shall be entitled to bring an individual action

51   to recover damages, not to exceed $100, resulting from such violation.

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