

JAN 17 2020

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# A BILL FOR AN ACT

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RELATING TO HEALTH.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. Chapter 321, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4       "§321- Restroom access; eligible medical condition. (a)  
5 A retail establishment that has a toilet facility for its  
6 employees shall allow a customer to use that facility during  
7 normal business hours if the toilet facility is reasonably safe  
8 and all of the following conditions are met:

9       (1) The customer requesting the use of the employee toilet  
10       facility suffers from an eligible medical condition;  
11       provided that the customer shall provide a note from a  
12       doctor or specially issued card from a health  
13       organization or state health agency that proves the  
14       customer suffers from an eligible medical condition;

15       (2) Three or more employees of the retail establishment  
16       are working at the time the customer requests use of  
17       the employee toilet facility;



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

(4) The employee toilet facility is not located in an area where providing access would create an obvious health or safety risk to the customer or an obvious security risk to the retail establishment; and

(5) A public restroom is not immediately accessible to the customer.

(b) A retail establishment or an employee of a retail establishment shall not be civilly liable for any act or omission in allowing a customer that has an eligible medical condition to use an employee toilet facility that is not a public restroom if the act or omission meets all of the following requirements:

(1) It is not wilful or grossly negligent;

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

(3) It results in an injury to or death of the customer or any individual other than an employee accompanying the customer.



1        (c) A retail establishment shall not be required to make  
2   any physical changes to an employee toilet facility for the  
3   purposes of this section.

4        (d) A retail establishment or an employee of a retail  
5   establishment in violation of this section shall be subject to a  
6   fine of not more than \$100 per violation.

7        (e) For the purposes of this section:  
8        "Customer" means an individual who is lawfully on the  
9   premises of a retail establishment.

10       "Eligible medical condition" means Crohn's disease,  
11 ulcerative colitis, any other inflammatory bowel disease,  
12 irritable bowel syndrome, or any other medical condition that  
13 requires immediate access to a toilet facility.

14       "Retail establishment" means a place of business open to  
15 the general public for the sale of goods or services. "Retail  
16 establishment" does not include a retail service station, with a  
17 structure of eight hundred square feet or less, that has an  
18 employee toilet facility located within that structure."

19       SECTION 2. New statutory material is underscored.

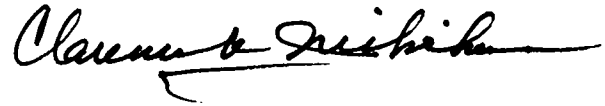


# S.B. NO. 2528

1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:



# S.B. NO. 2528

**Report Title:**

Restroom Access; Customer; Retail Establishment

**Description:**

Requires a retail establishment with an employee restroom to allow a customer suffering from an eligible medical condition to use that restroom during normal business hours, under certain conditions. Exempts a retail establishment and employees from civil liability in allowing a customer to use an employee restroom. Establishes fines.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

