

83--B

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. PAULIN, DINOWITZ, GALEF, KELLNER, REILLY, J. RIVERA, HEVESI -- Multi-Sponsored by -- M. of A. BOYLAND, GOTTFRIED, McDONOUGH, MILLMAN -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to enacting the restroom access act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as the "restroom
2 access act".

3 S 2. The public health law is amended by adding a new article 19 to
4 read as follows:

5 ARTICLE 19
6 RESTROOM ACCESS ACT

7 SECTION 1900. DEFINITION.

8 1901. ACCESS TO RESTROOM FACILITIES.

9 1902. REQUIRED CHANGES.

10 S 1900. DEFINITION. AS USED IN THIS ARTICLE, "ELIGIBLE MEDICAL CONDI-
11 TION" MEANS CROHN'S DISEASE, ULCERATIVE COLITIS, ANY OTHER INFLAMMATORY
12 BOWEL DISEASE, IRRITABLE BOWEL SYNDROME OR ANY OTHER MEDICAL CONDITION
13 THAT REQUIRES IMMEDIATE ACCESS TO A TOILET FACILITY.

14 S 1901. ACCESS TO RESTROOM FACILITIES. A PLACE OF BUSINESS OPEN TO THE
15 GENERAL PUBLIC FOR THE SALE OF GOODS OR SERVICES THAT HAS A TOILET
16 FACILITY FOR ITS EMPLOYEES SHALL ALLOW ANY INDIVIDUAL WHO IS LAWFULLY ON
17 THE PREMISES OF SUCH PLACE OF BUSINESS TO USE THAT TOILET FACILITY

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD00904-04-1

1 DURING NORMAL BUSINESS HOURS, EVEN IF THE PLACE OF BUSINESS DOES NOT
2 NORMALLY MAKE THE EMPLOYEE TOILET FACILITY AVAILABLE TO THE PUBLIC,
3 PROVIDED THAT ALL OF THE FOLLOWING CONDITIONS ARE MET:

4 1. THE INDIVIDUAL REQUESTING THE USE OF THE EMPLOYEE TOILET FACILITY
5 HAS AN ELIGIBLE MEDICAL CONDITION OR UTILIZES AN OSTOMY DEVICE, PROVIDED
6 THAT THE PLACE OF BUSINESS MAY REQUIRE THE INDIVIDUAL TO PRESENT REASON-
7 ABLE EVIDENCE THAT THE INDIVIDUAL HAS AN ELIGIBLE MEDICAL CONDITION OR
8 USES AN OSTOMY DEVICE;

9 2. TWO OR MORE EMPLOYEES OF THE PLACE OF BUSINESS ARE WORKING AT THE
10 TIME THE INDIVIDUAL REQUESTS USE OF THE EMPLOYEE TOILET FACILITY;

11 3. THE EMPLOYEE TOILET FACILITY IS NOT LOCATED IN AN AREA WHERE
12 PROVIDING ACCESS WOULD CREATE AN OBVIOUS HEALTH OR SAFETY RISK TO THE
13 REQUESTING INDIVIDUAL OR CREATE AN OBVIOUS SECURITY RISK TO THE PLACE OF
14 BUSINESS; AND

15 4. A PUBLIC RESTROOM IS NOT IMMEDIATELY ACCESSIBLE TO THE REQUESTING
16 INDIVIDUAL.

17 S 1902. REQUIRED CHANGES. NOTHING IN SECTION NINETEEN HUNDRED ONE OF
18 THIS ARTICLE SHALL BE CONSTRUED AS REQUIRING A PLACE OF BUSINESS OPEN TO
19 THE GENERAL PUBLIC FOR THE SALE OF GOODS OR SERVICES THAT HAS A TOILET
20 FACILITY FOR ITS EMPLOYEES TO MAKE ANY PHYSICAL CHANGES TO AN EMPLOYEE
21 TOILET FACILITY.

22 S 3. This act shall take effect on the one hundred twentieth day after
23 it shall become law, provided that effective immediately, the addition,
24 amendment and/or repeal of any rule or regulation necessary for the
25 implementation of this act on its effective date are authorized and
26 directed to be made and completed on or before such effective date.