

7153

I N S E N A T E

May 1, 2012

Introduced by Sen. McDONALD -- read twice and ordered printed, and when printed to be committed to the Committee on Health

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

21 1. THE INDIVIDUAL REQUESTING THE USE OF THE EMPLOYEE TOILET FACILITY
22 HAS AN ELIGIBLE MEDICAL CONDITION OR UTILIZES AN OSTOMY DEVICE, PROVIDED
23 THAT THE PLACE OF BUSINESS MAY REQUIRE THE INDIVIDUAL TO PRESENT REASON-
24 ABLE EVIDENCE THAT THE INDIVIDUAL HAS AN ELIGIBLE MEDICAL CONDITION OR
25 USES AN OSTOMY DEVICE;

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

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

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

7 4. A PUBLIC RESTROOM IS NOT IMMEDIATELY ACCESSIBLE TO THE REQUESTING
8 INDIVIDUAL.

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

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