S T A T E O F N E W Y O R K

5099--A

2013-2014 Regular Sessions

I N A S S E M B L Y

February 20, 2013

Introduced by M. of A. PAULIN, DINOWITZ, GALEF, KELLNER, RIVERA, HEVESI, SCHIMEL -- Multi-Sponsored by -- M. of A. BOYLAND, GOTTFRIED, MILLMAN -- read once and referred to the Committee on Health -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to enacting the Crohn's and colitis fairness act

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

Section 1. This act shall be known and may be cited as the "Crohn's and colitis fairness act".

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

ARTICLE 19

CROHN'S AND COLITIS FAIRNESS ACT

SECTION 1900. DEFINITION.
1901. ACCESS TO RESTROOM FACILITIES.
1902. REQUIRED CHANGES.

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

S 1901. ACCESS TO RESTROOM FACILITIES. A PLACE OF BUSINESS OPEN TO THE GENERAL PUBLIC FOR THE SALE OF GOODS OR SERVICES THAT HAS A TOILET FACILITY FOR ITS EMPLOYEES SHALL ALLOW ANY INDIVIDUAL WHO IS LAWFULLY ON THE PREMISES OF SUCH PLACE OF BUSINESS TO USE THAT TOILET FACILITY DURING NORMAL BUSINESS HOURS, EVEN IF THE PLACE OF BUSINESS DOES NOT NORMALLY MAKE THE EMPLOYEE TOILET FACILITY AVAILABLE TO THE PUBLIC, PROVIDED THAT ALL OF THE FOLLOWING CONDITIONS ARE MET:

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

LBD07498-04-3

1. THE INDIVIDUAL REQUESTING THE USE OF THE EMPLOYEE TOILET FACILITY HAS AN ELIGIBLE MEDICAL CONDITION OR UTILIZES AN OSTOMY DEVICE, PROVIDED THAT THE PLACE OF BUSINESS MAY REQUIRE THE INDIVIDUAL TO PRESENT REASONABLE EVIDENCE THAT THE INDIVIDUAL HAS AN ELIGIBLE MEDICAL CONDITION OR USES AN OSTOMY DEVICE;

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

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

4. USE OF THE TOILET FACILITY WOULD NOT CREATE AN OBVIOUS HEALTH OR SAFETY RISK TO THE REQUESTING INDIVIDUAL; AND

5. A PUBLIC RESTROOM IS NOT IMMEDIATELY ACCESSIBLE TO THE REQUESTING INDIVIDUAL.

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

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