STATE OF NEW YORK

8989

IN ASSEMBLY

January 9, 2018

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Health

AN ACT to amend the general business law, in relation to enacting the Crohn's and colitis fairness act; and to repeal article 19 of the public health law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article 19 of the public health law, as added by a chapter of the laws of 2017, amending the public health law relating to enacting the Crohn's and colitis fairness act, as proposed in legislative bills numbers S.3295 and A.1982, is REPEALED.

§ 2. The general business law is amended by adding a new article 28-F to read as follows:

ARTICLE 28-F

CROHN'S AND COLITIS FAIRNESS ACT

Section 491. Definition.
492. Access to restroom facilities.
493. Required changes.

§ 491. 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.

§ 492. 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:

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;

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

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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.

§ 493. Required changes. Nothing in section four hundred ninety-two 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.

§ 3. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2017, amending the public health law relating to enacting the Crohn's and colitis fairness act, as proposed in legislative bills numbers S.3295 and A.1982, takes effect.