

STATE OF NEW YORK

7327

IN SENATE

January 5, 2018

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

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:

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4 numbers S.3295 and A.1982, is REPEALED.

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

ARTICLE 28-F

CROHN'S AND COLITIS FAIRNESS ACT

Section 491. Definition.

492. Access to restroom facilities.

493. Required changes.

12 § 491. Definition. As used in this article, "eligible medical condi-
13 tion" means Crohn's disease, ulcerative colitis, any other inflammatory
14 bowel disease, irritable bowel syndrome or any other medical condition
15 that requires immediate access to a toilet facility.

16 § 492. Access to restroom facilities. A place of business open to the
17 general public for the sale of goods or services that has a toilet
18 facility for its employees shall allow any individual who is lawfully on
19 the premises of such place of business to use that toilet facility
20 during normal business hours, even if the place of business does not
21 normally make the employee toilet facility available to the public,
22 provided that all of the following conditions are met:

23 1. the individual requesting the use of the employee toilet facility
24 has an eligible medical condition or utilizes an ostomy device, provided
25 that the place of business may require the individual to present reason-
26 able evidence that the individual has an eligible medical condition or
27 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;

7 4. use of the toilet facility would not create an obvious health or
8 safety risk to the requesting individual; and

9 5. a public restroom is not immediately accessible to the requesting
10 individual.

11 § 493. Required changes. Nothing in section four hundred ninety-two of
12 this article shall be construed as requiring a place of business open to
13 the general public for the sale of goods or services that has a toilet
14 facility for its employees to make any physical changes to an employee
15 toilet facility.

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