STATE OF NEW YORK

1260

2021-2022 Regular Sessions

IN ASSEMBLY

January 8, 2021

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 creating a Crohn's and colitis identification card; and to repeal certain provisions 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 2020 amending the public health law relating to creating a Crohn's and colitis identification card, as proposed in legislative bills numbers S.6226 and A.8146, is REPEALED.

§ 2. Section 492 of the general business law, as added by chapter 42 of the laws of 2018, is amended to read as follows:

§ 492. Access to restroom facilities. **1.** 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.~~] **(a)** 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.~~] **(b)** two or more employees of the place of business are working at the time the individual requests use of the employee toilet facility;

[~~3.~~] **(c)** 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;

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

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[~~4.~~] (d) use of the toilet facility would not create an obvious health or safety risk to the requesting individual; and

[~~5.~~] (e) a public restroom is not immediately accessible to the requesting individual.

2. Reasonable evidence that an individual has an eligible medical condition or uses an ostomy device shall include, but not be limited to, at the option of the individual:

(a) a signed statement by a physician, nurse practitioner, or physician assistant licensed under title eight of the education law, on a form that has been developed by the department of health under subdivision three of this section; or

(b) an identification card that is issued by a nonprofit organization whose purpose includes serving individuals who suffer from an eligible medical condition.

3. The department of health shall develop a standard electronic form that may be signed by a health care provider as evidence of the existence of an eligible medical condition. The form shall be posted on the department's website in a printable format and include the following information:

(a) space for the form bearer's name;

(b) space for the form bearer's address;

(c) space for the form bearer's date of birth;

(d) space for the health care provider's name, signature, and statement as provided in subparagraph (ii) of paragraph (e) of this subdivision;

(e) the following statements:

(i) "MEDICAL ALERT: RESTROOM ACCESS REQUIRED";

(ii) "The holder of this form suffers from Crohn's disease, ulcerative colitis, other inflammatory bowel disease, irritable bowel syndrome, or another medical condition that requires immediate access to a toilet facility."

(iii) "Complaints regarding enforcement should be directed to the state consumer protection division, or the county, city, or town office of consumer protection as applicable"; and

(f) a reference to the Crohn's and colitis fairness act under this article.

§ 3. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2020 amending the public health law relating to creating a Crohn's and colitis identification card, as proposed in legislative bills numbers S.6226 and A.8146, takes effect.