STATE OF NEW YORK

5444

2023-2024 Regular Sessions

IN SENATE

March 6, 2023

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to permitting employees of public utilities access to certain restroom facilities without being a paying customer

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

Section 1. The general business law is amended by adding a new section 399-k to read as follows:

§ 399-k. 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 while performing a utility related service 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:

a. the individual requesting the use of the employee toilet facility is an employee of a public utility company or a public utility corporation as defined in section two of the public service law, provided that the place of business may require the individual to present reasonable evidence that the individual is an employee of such public utility entity;

b. two or more employees of the place of business are working at the time the individual requests use of the employee toilet facility;

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 a security risk to the people, or property within the place of business;

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

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

e. a public restroom is not immediately accessible to the requesting individual.

2. A violation of the provisions of this section shall be punishable by a civil penalty not to exceed five hundred dollars for each violation.

3. Businesses shall not be liable for any injuries which result from toilet facility use by utility workers.

§ 2. This act shall take effect immediately.