

HOUSE BILL No. 2802

By Committee on Health and Human Services

2-1

9 AN ACT relating to public health; concerning access to restrooms;
10 penalty.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) This act shall be known and may be cited as the rest-
14 room access act.

15 (b) As used in this act:

16 (1) "Customer" means an individual who is lawfully on the premises
17 of a retail establishment.

18 (2) "Eligible medical condition" means Crohn's disease, ulcerative
19 colitis, any other inflammatory bowel disease, irritable bowel syndrome
20 or any other medical condition that requires immediate access to a
21 restroom.

22 (3) "Retail establishment" means a place of business open to the gen-
23 eral public for the sale of goods or services, but does not include a filling
24 station or service station, with a structure of 800 square feet or less, that
25 has an employee restroom located within that structure.

26 (c) A retail establishment that has a restroom for its employees shall
27 allow a customer to use that facility during normal business hours if the
28 restroom is reasonably safe and all of the following conditions are met:

29 (1) The customer requesting the use of the employee restroom suf-
30 fers from an eligible medical condition or utilizes an ostomy device.

31 (2) Three or more employees of the retail establishment are working
32 at the time the customer requests use of the employee restroom.

33 (3) The retail establishment does not normally make a restroom avail-
34 able to the public.

35 (4) The employee restroom is not located in an area where providing
36 access would create an obvious health or safety risk to the customer or
37 an obvious security risk to the retail establishment.

38 (5) A public restroom is not immediately accessible to the customer.

39 (d) (1) A retail establishment or an employee of a retail establish-
40 ment shall not be civilly liable for any act or omission which results in an
41 injury to or death of the requesting customer or any nonemployee indi-
42 vidual accompanying the requesting customer in allowing a customer that
43 has an eligible medical condition to use the nonpublic employee restroom

1 so long as the act or omission:

2 (A) Is not willful or grossly negligent; and

3 (B) occurs in an area of the retail establishment that is not accessible
4 to the public.

5 (2) A retail establishment is not required to make any physical
6 changes to the employee restroom under this act.

7 (e) A retail establishment or an employee of a retail establishment
8 that violates the provisions of subsection (c) of this section, and amend-
9 ments thereto, shall be guilty of a misdemeanor, and upon conviction
10 shall not be fined more than \$100.

11 Sec. 2. This act shall take effect and be in force from and after its
12 publication in the statute book.