

**As Reported by the House Commerce and Labor Committee**

**127th General Assembly  
Regular Session  
2007-2008**

**H. B. No. 150**

**Representative McGregor, J.**

**Cosponsors: Representatives Adams, Peterson, Luckie, Skindell, Collier,  
Yuko**

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**A B I L L**

To enact sections 4173.01, 4173.02, and 4173.03 of 1  
the Revised Code as a "good Samaritan law" to 2  
encourage retail establishments to allow customers 3  
with eligible medical conditions to use the retail 4  
establishment's restrooms that are not usually 5  
available to the public and to limit the liability 6  
of an establishment that allows such access. 7

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 4173.01, 4173.02, and 4173.03 of the 8  
Revised Code be enacted to read as follows: 9

**Sec. 4173.01.** As used in this chapter: 10

(A) "Customer" means an individual who is lawfully on the 11  
premises of a retail establishment. 12

(B) "Eligible medical condition" means Crohn's disease, 13  
ulcerative colitis, any other inflammatory bowel disease, 14  
irritable bowel syndrome, or any other medical condition that 15  
requires immediate access to a toilet facility. 16

(C) "Retail establishment" means a place of business open to 17  
the general public for the sale of goods or services. "Retail 18

establishment" does not include a filling station or service 19  
station, with a structure of eight hundred square feet or less, 20  
that has an employee toilet facility located within that 21  
structure. 22

**Sec. 4173.02.** (A) Any retail establishment that has a toilet 23  
facility for its employees is encouraged to permit a customer to 24  
use that facility during normal business hours if the toilet 25  
facility is reasonably safe and all of the following conditions 26  
are met: 27

(1) The customer requesting the use of the employee toilet 28  
facility suffers from an eligible medical condition or utilizes an 29  
ostomy device. 30

(2) The employee toilet facility is not located in an area 31  
where providing access would create an obvious health or safety 32  
risk to the customer or an obvious security risk to the retail 33  
establishment. 34

(3) A public restroom or employee restroom normally available 35  
to the public is not immediately accessible to the customer. 36

(B) This section does not require a retail establishment to 37  
make any physical changes to an employee toilet facility. 38

(C) No restroom facility, by reason of being made available 39  
to a customer pursuant to this section, shall be considered a 40  
public facility for the purpose of laws or regulations that 41  
generally govern facilities available to the public. That restroom 42  
facility shall be governed by the laws and regulations that 43  
otherwise would govern the facility if it were not made available 44  
to a customer pursuant to this section. 45

**Sec. 4173.03.** No retail establishment or an employee of a 46  
retail establishment shall be liable in any civil action for an 47  
injury or death of a customer resulting from any act or omission 48

<u>in allowing a customer to use an employee toilet facility pursuant</u>	49
<u>to section 4173.02 of the Revised Code if the act or omission is</u>	50
<u>not willful or grossly negligent.</u>	51