

As Introduced

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

S. B. No. 154

Senator Cates

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A BILL

To enact sections 4173.01, 4173.02, 4173.03, and 1
4173.99 of the Revised Code to require certain 2
retail establishments to allow customers with 3
eligible medical conditions to use the retail 4
establishment's restrooms that are not usually 5
available to the public. 6

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

Section 1. That sections 4173.01, 4173.02, 4173.03, and 7
4173.99 of the Revised Code be enacted to read as follows: 8

Sec. 4173.01. As used in this chapter: 9

(A) "Customer" means an individual who is lawfully on the 10
premises of a retail establishment. 11

(B) "Eligible medical condition" means Crohn's disease, 12
ulcerative colitis, any other inflammatory bowel disease, 13
irritable bowel syndrome, or any other medical condition that 14
requires immediate access to a toilet facility. 15

(C) "Retail establishment" means a place of business open to 16
the general public for the sale of goods or services. "Retail 17
establishment" does not include a filling station or service 18
station, with a structure of eight hundred square feet or less, 19
that has an employee toilet facility located within that 20

structure. 21

Sec. 4173.02. (A) No retail establishment that has a toilet facility for its employees shall prohibit a customer from using that facility during normal business hours if the toilet facility is reasonably safe and all of the following conditions are met: 22
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(1) The customer requesting the use of the employee toilet facility suffers from an eligible medical condition or utilizes an ostomy device. 26
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(2) Three or more employees of the retail establishment are working at the time the customer requests use of the employee toilet facility. 29
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(3) The retail establishment does not normally make a restroom available to the public. 32
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(4) The employee toilet facility is not located in an area where providing access would create an obvious health or safety risk to the customer or an obvious security risk to the retail establishment. 34
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(5) A public restroom is not immediately accessible to the customer. 38
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(B) This section does not require a retail establishment to make any physical changes to an employee toilet facility. 40
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Sec. 4173.03. A retail establishment or an employee of a retail establishment is not liable in any civil action for an injury or death of a customer resulting from any act or omission in allowing a customer to use an employee toilet facility pursuant to section 4173.02 of the Revised Code if the act or omission meets all of the following conditions: 42
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(A) The act or omission is not willful or grossly negligent. 48

(B) The act or omission occurs in an area of the retail 49

establishment that is not accessible to the public. 50

Sec. 4173.99. A retail establishment or an employee of a 51
retail establishment that violates section 4173.02 of the Revised 52
Code is guilty of a minor misdemeanor. 53