



Am. H.B. 150
127th General Assembly
(As Passed by the General Assembly)

Reps. J. McGregor, Adams, Peterson, Luckie, Skindell, Collier, Yuko, Budish, Chandler, Coley, Combs, DeGeeter, Domenick, Dyer, Evans, Flowers, Gardner, Gibbs, Sayre, Schindel, Setzer, B. Williams

Sens. Cates, Roberts, Cafaro, Fedor, Goodman, Harris, Kearney, Mason, R. Miller, Morano, Sawyer, Schaffer, Smith, Spada, Stivers, Wilson, Schuler, D. Miller

Effective date: *

ACT SUMMARY

- Encourages retail establishments to allow customers with specified medical conditions to use the retail establishment's toilet facilities that are not usually available to the public.
- Specifies that a toilet facility that is made available to a customer under the act is not considered a public facility for the purpose of laws or regulations that generally govern facilities available to the public.
- Limits the liability of a retail establishment or of an employee of a retail establishment for an injury or death of a customer resulting from any act or omission in allowing a customer to use an employee toilet facility if the act or omission is not willful or grossly negligent.
- Designates May 23 as "Crohn's and Colitis Awareness Day."

* The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.

CONTENT AND OPERATION

Use of employee restrooms by customers with specified medical conditions

The act encourages any retail establishment having an employee toilet facility to permit a customer to use the facility during normal business hours if the toilet facility is reasonably safe and all of the following conditions are met:

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

(2) 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; and

(3) A public restroom or employee restroom normally available to the public is not immediately accessible to the customer (R.C. 4173.02(A)(1) to (3)).

An "eligible medical condition" is Crohn's disease, ulcerative colitis, any other inflammatory bowel disease, irritable bowel syndrome, or any other medical condition that requires immediate access to a toilet facility (R.C. 4173.01(B)). A "customer" is an individual who is lawfully on the premises of a retail establishment (R.C. 4173.01(A)). A "retail establishment" is a place of business that is open to the general public for the sale of goods or services. "Retail establishment" does not, however, include a filling station or service station, with a structure of 800 square feet or less, that has an employee toilet facility located within that structure (R.C. 4173.01(C)).

The act does not require a retail establishment to make any physical changes to an employee toilet facility. No restroom facility that is made available to a customer under the act is to be considered a public facility for the purpose of laws or regulations that generally govern facilities available to the public. Rather, the restroom facility is governed by the laws and regulations that otherwise would govern the facility if it were not made available to a customer under the act. (R.C. 4173.02(B) and (C).)

Retail establishments and employees immune from liability

Under the act, neither a retail establishment nor an employee of a retail establishment is liable in any civil action for an injury or the death of a customer resulting from any act or omission in allowing a customer to use an employee toilet facility if the act or omission is not willful or grossly negligent (R.C. 4173.03).

Designation of Crohn's and Colitis Awareness Day

The act designates the 23rd day of May as "Crohn's and Colitis Awareness Day" (R.C. 5.2240).

HISTORY

ACTION	DATE
Introduced	04-12-07
Reported, H. Commerce & Labor	02-06-08
Passed House (94-0)	03-11-08
Reported, S. State & Local Gov't & Veterans Affairs	05-13-08
Passed Senate (32-1)	05-20-08
House concurred in Senate amendments (96-0)	05-28-08

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