

House Bill 2979

Sponsored by Representative GARRETT; Senators DEVLIN, MORRISETTE (at the request of Mara Addison)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires that places of public accommodation allow customer access to employee toilet facilities if customer has certain medical conditions. Specifies exception. Punishes violation of requirement by maximum fine of \$90.

A BILL FOR AN ACT

1
2 Relating to access to toilet facilities.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. As used in sections 1 to 3 of this 2009 Act:**

5 (1) **"Customer" means an individual who is lawfully on the premises of a place of public**
6 **accommodation.**

7 (2) **"Eligible medical condition" means the use of an ostomy device or a diagnosis of**
8 **Crohn's disease, ulcerative colitis, any other inflammatory bowel disease, irritable bowel**
9 **syndrome or other medical condition that can cause a person to require access to a toilet**
10 **facility without delay.**

11 (3) **"Place of public accommodation" has the meaning given that term in ORS 659A.400.**

12 **SECTION 2. (1) A place of public accommodation that has an employee toilet facility shall**
13 **allow a customer to use that facility during normal business hours if:**

14 (a) **The customer requesting the use of the employee toilet facility suffers from an eligi-**
15 **ble medical condition;**

16 (b) **Three or more employees of the place of public accommodation are working at the**
17 **time the customer requests use of the employee toilet facility;**

18 (c) **The employee toilet facility is reasonably safe and is not located in an area where**
19 **providing access would create an obvious health or safety risk to the customer or an obvious**
20 **security risk to the place of public accommodation; and**

21 (d) **A public restroom is not immediately available to the customer.**

22 (2) **This section does not apply to a gas station, as defined in ORS 646.932, with a building**
23 **of 800 square feet or less.**

24 **SECTION 3. (1) Places of public accommodation, and employees of places of public ac-**
25 **commodation, are not liable for any damages suffered by a customer, or by any person ac-**
26 **companying a customer, while using an employee toilet facility pursuant to section 2 of this**
27 **2009 Act unless the damages are the result of an intentional tort or gross negligence.**

28 (2) **A place of public accommodation is not required to make any physical changes to an**
29 **employee toilet facility by reason of section 2 of this 2009 Act.**

30 **SECTION 4. Violation of section 2 of this 2009 Act is a Class D violation.**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.