

# Enrolled Senate Bill 277

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CHAPTER .....

AN ACT

Relating to access to toilet facilities.

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

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

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

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

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

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

(a) **The customer requesting the use of the employee toilet facility suffers from an eligible medical condition;**

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

(c) **The customer presents a letter or other document from a physician, physician assistant, nurse or nurse practitioner indicating that the customer suffers from an eligible medical condition, or presents an identification card that was issued by a national organization that advocates for persons with eligible medical conditions and that indicates that the person suffers from an eligible medical condition;**

(d) **The employee toilet facility is reasonably safe and 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 place of public accommodation; and**

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

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

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

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

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

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Passed by Senate March 24, 2009

Received by Governor:

Repassed by Senate June 5, 2009

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Approved:

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Secretary of Senate

.....M,....., 2009

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President of Senate

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Governor

Passed by House June 2, 2009

Filed in Office of Secretary of State:

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Speaker of House

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Secretary of State