

**B-Engrossed**  
**Senate Bill 277**

Ordered by the House May 21  
Including Senate Amendments dated March 18 and House Amendments  
dated May 21

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

**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.

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 customer presents a letter or other document from a physician, physician as-**  
19 **istant, nurse or nurse practitioner indicating that the customer suffers from an eligible**  
20 **medical condition, or presents an identification card that was issued by a national organiza-**  
21 **tion that advocates for persons with eligible medical conditions and that indicates that the**  
22 **person suffers from an eligible medical condition;**

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

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

**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.

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

3       **SECTION 3.** (1) **Places of public accommodation, and employees of places of public ac-**  
4 **commodation, are not liable for any damages suffered by a customer, or by any person ac-**  
5 **companying a customer, while using an employee toilet facility pursuant to section 2 of this**  
6 **2009 Act unless the damages are the result of an intentional tort or gross negligence.**

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

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

10