
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1033 Session of
2023

INTRODUCED BY HILL-EVANS, MADDEN, SANCHEZ, OTTEN, SCHLOSSBERG,
FLOOD, KINSEY, BRENNAN AND DELLOSO, APRIL 28, 2023

REFERRED TO COMMITTEE ON HEALTH, APRIL 28, 2023

AN ACT

1 Providing for restroom access for certain customers of retail
2 establishments; and imposing a penalty.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Restroom
7 Access Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Customer." An individual who is lawfully on the premises of
13 a retail establishment and who uses an ostomy device or who
14 suffers from an inflammatory bowel disease, such as Crohn's
15 disease, ulcerative colitis or any other medical condition that
16 requires immediate access to a toilet facility.

17 "Retail establishment." A place of business open to the
18 general public for the sale of goods or services.

1 Section 3. Customer access to retail establishment toilet
2 facilities.

3 (a) Requirement.--A retail establishment that has a toilet
4 facility for its employees shall allow a customer to use that
5 facility during normal business hours if all of the following
6 apply:

7 (1) The toilet facility is not located in an area where
8 providing access would create an obvious health or safety
9 risk to the customer or an obvious security risk to the
10 retail establishment.

11 (2) A public restroom is not immediately accessible to
12 the customer.

13 (3) The customer provides the retail establishment with
14 evidence that the customer uses an ostomy device or suffers
15 from an inflammatory bowel disease, such as Crohn's disease,
16 ulcerative colitis or any other medical condition that
17 requires immediate access to a toilet facility, by providing
18 documentation in writing by the customer's physician or an
19 identification card that is issued to the customer by a
20 nonprofit organization whose purpose includes serving
21 individuals who suffer from the disease or condition.

22 (b) Construction.--Subsection (a) shall not be construed to
23 require a retail establishment to make a physical change to a
24 restroom to be in compliance with subsection (a).

25 Section 4. Penalty and jurisdiction.

26 (a) Penalty.--A retail establishment that violates the
27 provisions of this act is subject to a civil penalty of up to
28 \$500.

29 (b) Jurisdiction.--The magisterial district judge for the
30 jurisdiction in which the retail establishment is located may

- 1 impose the civil penalty authorized under this section.
- 2 Section 5. Effective date.
- 3 This act shall take effect immediately.