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H.537

Introduced by Representatives Andriano of Orwell and Wood of Waterbury

Referred to Committee on

Date:

Subject: Health; inflammatory bowel disease; public accommodation;
restroom access

Statement of purpose of bill as introduced: This bill proposes to require retail establishments to allow a customer with an inflammatory bowel disease to use an employee restroom when a public restroom is not immediately accessible.

An act relating to access to employee restrooms for individuals living with an inflammatory bowel disease

It is hereby enacted by the General Assembly of the State of Vermont:

* * * Restroom Access for Eligible Conditions * * *

Sec. 1. 18 V.S.A. § 1301 is added to read:

§ 1301. RESTROOM ACCESS; INFLAMMATORY BOWEL DISEASE

(a) As used in this section:

(1) “Customer” means a member of the public who is lawfully on the premises of a retail establishment.

1 (2) “Eligible medical condition” means Crohn’s disease, ulcerative
2 colitis, any other inflammatory bowel disease, irritable bowel syndrome, or any
3 other medical condition that requires immediate access to a restroom.

4 (3) “Employee restroom” means a restroom intended for only the
5 employees of a retail facility and not for customers.

6 (4) “Retail establishment” means a place of business open to the general
7 public for the sale of goods or services.

8 (b) A retail establishment that has an employee restroom shall allow a
9 customer to use that restroom during normal business hours if all of the
10 following conditions are met:

11 (1) The customer requesting access to the employee restroom uses an
12 ostomy device or presents written evidence, issued by a licensed health care
13 provider who regularly diagnoses or treats eligible medical conditions, that
14 documents that the customer experiences an eligible medical condition.

15 (2) The retail establishment does not have a public restroom that is
16 immediately accessible to the customer.

17 (3) The employee restroom is not located in an area where providing
18 access would create an obvious health or safety risk to the customer or an
19 obvious security risk to the establishment.

20 (4) At the time the request for access to the employee restroom is made,
21 two or more employees of the retail establishment are working.

1 (c) A retail establishment or person employed by a retail establishment
2 shall not be subject to civil liability for an act or omission in allowing a
3 customer to use an employee restroom pursuant to this section if the act or
4 omission results in injury or death to the customer or the individual
5 accompanying the customer, provided the act or omission occurs in an area of
6 the retail establishment that is not accessible to the public. Nothing in this
7 section shall be construed to limit or otherwise affect the liability of any person
8 for damages resulting from that person's gross negligence or willful
9 misconduct.

10 (d) If an employee of a retail establishment refuses to provide access to an
11 employee restroom to a customer with an eligible medical condition or ostomy
12 device when the conditions of subsection (b) of this section are met, the retail
13 establishment shall be subject to a civil penalty of not more than \$100.00 for
14 the first offense and not more than \$500.00 for any subsequent offense. An
15 action to enforce this section shall be brought in the Judicial Bureau pursuant
16 to 4 V.S.A. chapter 29.

17 (e) The Department of Health shall develop a printable card available on its
18 website that, when issued by a licensed health care provider who regularly
19 diagnoses or treats eligible medical conditions or provides for the use of an
20 ostomy device, may be carried by a patient with an eligible medical condition

1 or ostomy device to ensure access to an employee restroom in a retail
2 establishment in accordance with this section.

3 * * * Judicial Bureau * * *

4 Sec. 2. 4 V.S.A. § 1102 is amended to read:

5 § 1102. JUDICIAL BUREAU; JURISDICTION

6 * * *

7 (b) The Judicial Bureau shall have jurisdiction of the following matters:

8 * * *

9 (33) Violations of 18 V.S.A. § 1301, relating to restroom access for
10 persons with an eligible medical condition.

11 * * *

12 * * * Effective Date * * *

13 Sec. 3. EFFECTIVE DATE

14 This act shall take effect on July 1, 2024.