

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 1959

By: Representative House

For An Act To Be Entitled

AN ACT TO REQUIRE THAT RETAIL ESTABLISHMENTS MAKE
EMPLOYEE RESTROOMS AVAILABLE TO INDIVIDUALS WITH
CERTAIN MEDICAL CONDITIONS; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE THAT RETAIL ESTABLISHMENTS
MAKE EMPLOYEE RESTROOMS AVAILABLE TO
INDIVIDUALS WITH CERTAIN MEDICAL
CONDITIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 20, Chapter 14, Subchapter 3, is amended to add an additional section to read as follows:

20-14-309. Restroom access.

(a) As used in this section:

(1) "Customer" means an invitee lawfully on the premises of a retail establishment;

(2) "Eligible medical condition" means Crohn's disease, ulcerative colitis, inflammatory bowel disease, or another chronic medical condition that requires immediate access to a restroom facility; and

(3) "Retail establishment" means a business or place:

(A) To which a member of the public has access as an invitee or licensee; and

(B) That is regulated by a city, county, or other political subdivision of the state through the issuance of a business license or business permit for which the business or place is required to pay a fee.



(b) A retail establishment that has a restroom facility for its employees shall allow a customer to use the employee restroom facility during normal business hours if:

(1) The customer requesting the use of the employee restroom facility suffers from an eligible medical condition or uses an ostomy device and produces evidence of the condition or device in documents issued by the customer's physician;

(2) Three (3) or more employees of the retail establishment are working at the time the customer requests to use the employee restroom facility;

(3) The retail establishment does not normally make a restroom available to the public;

(4) The employee restroom facility 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 establishment, and

(5) A public restroom is not immediately accessible to the customer.

(c) A retail establishment or an employee of a retail establishment is not civilly liable for an act or omission that causes injury or damage to another in the process of allowing a customer who presents evidence that he or she has an eligible medical condition to use an employee restroom facility that is not a public restroom if the act or omission occurs in an area of the retail establishment that is not generally accessible to the public.

(d) This section does not require a retail establishment to make a physical change or improvement to an employee restroom facility located on the premises of the retail establishment that is not otherwise required under another federal or state law.

(e) A retail establishment that cannot comply with the requirements of this section because of safety, security, insurance requirements, or another valid reason as determined by the proprietor shall post a sign within one foot (1') of the entrance or entrances in one-inch letters or larger that states, "No Public Restroom."

(f) A city, county, or other political subdivision of the state that requires and issues a business license, retail permit, business permit, or another regulatory license or permit to a retail establishment within the city, county, or other political subdivision of the state and requires a fee

to be paid for the business license, retail permit, business permit, or another regulatory license or permit shall incorporate this section into the municipal, county, or other regulatory code and shall notify its licensees and permittees of the requirements of this section when the license or permit is issued or renewed.