



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0834

Introduced 2/2/2005, by Rep. Kathleen A. Ryg

SYNOPSIS AS INTRODUCED:

New Act

Creates the Restroom Access Act. Requires a retail establishment that has a toilet facility for its employees to allow a customer to use that facility during normal business hours if the following conditions are met: (1) the customer requesting the use of the employee toilet facility suffers from an eligible medical condition or utilizes an ostomy device; (2) three or more employees of the retail establishment are working at the time the request is made; (3) the retail establishment does not normally make a restroom available to the public; (4) the employee toilet facility is not located in an area where providing access would create an obvious health or safety risk to the customer; and (5) a public restroom is not immediately accessible to the customer. Provides circumstances in which the retail establishment or an employee would not be civilly liable for any act or omission in allowing a customer to use an employee toilet facility. Provides that a retail establishment is not required to make any physical changes to an employee toilet facility. Provides a penalty of not more than \$100 for a violation of the Act. Effective immediately.

LRB094 07984 RXD 38166 b

1 AN ACT concerning public health, which may be referred to
2 as Ally's Law.

3 **Be it enacted by the People of the State of Illinois,**
4 **represented in the General Assembly:**

5 Section 1. Short title. This Act may be cited as the
6 Restroom Access Act.

7 Section 5. Definitions. In this Act:

8 "Customer" means an individual who is lawfully on the
9 premises of a retail establishment.

10 "Eligible medical condition" means Crohn's disease,
11 ulcerative colitis, any other inflammatory bowel disease,
12 irritable bowel syndrome, or any other medical condition that
13 requires immediate access to a toilet facility.

14 "Retail establishment" means a place of business open to
15 the general public for the sale of goods or services.

16 Section 10. Retail establishment; customer access to
17 restroom facilities. A retail establishment that has a toilet
18 facility for its employees shall allow a customer to use that
19 facility during normal business hours if all of the following
20 conditions are met:

21 (1) The customer requesting the use of the employee
22 toilet facility suffers from an eligible medical condition
23 or utilizes an ostomy device.

24 (2) Three or more employees of the retail establishment
25 are working at the time the customer requests use of the
26 employee toilet facility.

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

29 (4) The employee toilet facility is not located in an
30 area where providing access would create an obvious health
31 or safety risk to the customer or an obvious security risk

1 to the retail establishment.

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

4 Section 15. Liability.

5 (a) A retail establishment or an employee of a retail
6 establishment is not civilly liable for any act or omission in
7 allowing a customer to use an employee toilet facility that is
8 not a public restroom if the act or omission meets all of the
9 following:

10 (1) It is not willful or grossly negligent.

11 (2) It occurs in an area of the retail establishment
12 that is not accessible to the public.

13 (3) It results in an injury to or death of the customer
14 or any individual other than an employee accompanying the
15 customer.

16 (b) A retail establishment is not required to make any
17 physical changes to an employee toilet facility under this Act.

18 Section 20. Violation. A retail establishment or an
19 employee of a retail establishment that violates Section 10 is
20 guilty of a petty offense. The penalty is a fine of not more
21 than \$100.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.