

PUBLIC CHAPTER NO. 864

HOUSE BILL NO. 122

By Representatives Lois DeBerry, Armstrong, Favors, Shepard, Shaw, Litz, Briley, Williams, Overbey, Fitzhugh, Pitts, Swafford, Brown, Winningham, Bone, Coleman

Substituted for: Senate Bill No. 1415

By Senators Herron, Marrero, Ford, Raymond Finney

AN ACT to amend Tennessee Code Annotated, Title 68, relative to restrooms.

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

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 15, Part 3, is amended by adding the following as a new section:

68-15-303.

(a) This act may be cited as the "Restroom Access Act."

(b) As used in this section:

(1) "Customer" means an individual who is lawfully on the premises of a retail establishment.

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

(3) "Retail establishment" means a place of business open to the general public for the sale of goods or services.

(c) A retail establishment that has a toilet facility for its employees shall allow a customer to use that facility during normal business hours if all of 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 (3) or more employees of the retail establishment are working at the time the customer requests use of the employee toilet facility.

(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 or an obvious security risk to the retail establishment.

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

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

(1) It is not willful or grossly negligent.

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

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

(e) A retail establishment is not required to make any physical changes to an employee toilet facility under this act.

(f) A retail establishment or an employee of a retail establishment that violates subsection (c) has committed a class C misdemeanor and is only subject to a fine of not more than fifty dollars (\$50.00).

(g) When requesting access to an employee toilet facility, a customer shall present to an employee of the retail establishment proof of an eligible medical condition. Such proof shall take the form of a document issued by a licensed physician or the Crohn's & Colitis Foundation of America identifying the presenter of the document and citing the appropriate statutory authority.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.

PASSED: April 21, 2008



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY, SPEAKER
SENATE OF THE SENATE

APPROVED this 6th day of May 2008



PHIL BREDESEN, GOVERNOR