

**HOUSE . . . . . No. 2074**

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Louis L. Kafka**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to Public Access of Private Restrooms.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Louis L. Kafka	8th Norfolk
Michael W. Morrissey	
Catherine Rutley	1983 Bay Road Sharon, MA 02067
William C. Galvin	6th Norfolk
Thomas P. Kennedy	Second Plymouth and Bristol
James E. Timilty	Bristol and Norfolk
Michael O. Moore	Second Worcester
Cynthia Stone Creem	First Middlesex and Norfolk
Karen E. Spilka	Second Middlesex and Norfolk
Cleon H. Turner	1st Barnstable
Alice K. Wolf	25th Middlesex
Christine E. Canavan	10th Plymouth
Elizabeth Poirier	14th Bristol
Martha M. Walz	8th Suffolk
Richard J. Ross	9th Norfolk
Jennifer M. Callahan	18th Worcester
Mary E. Grant	6th Essex
Walter F. Timilty	7th Norfolk

Bill Bowles	2nd Bristol
Cory Atkins	14th Middlesex
Thomas P. Conroy	13th Middlesex
Kay Khan	11th Middlesex
Alice Hanlon Peisch	14th Norfolk
James Cantwell	4th Plymouth
Linda Dorcena Forry	12th Suffolk

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO PUBLIC ACCESS OF PRIVATE RESTROOMS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           Section 1. Chapter 270 of the Massachusetts General Laws, as appearing in the 2004 Official  
2 Edition, is hereby amended by adding at the end thereof the following section:

3           Section 24. (a). Definitions- “customer” shall mean an individual who is lawfully on the premises of a  
4 retail establishment; “eligible medical condition” shall mean Crohn’s disease or ulcerative colitis; or any  
5 other medical condition that requires immediate access to a restroom facility;

6           “retail establishment” shall mean any business or place where members of the public have access as  
7 invitees or licenses.

8           (b). A retail establishment that has a restroom facility for its employees shall allow a customer to use that  
9 facility during normal business hours if the following conditions are met:

10           (1) The customer requesting the use of the employee restroom facility suffers from an eligible  
11 medical condition or uses an ostomy device, provided that the existence of the condition or device is  
12 documented in writing by the customer’s physician;

13           (2) two or more employees of the retail establishment are working at the time the customer  
14 requests use of the employee restroom facility;

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

16           (4) the employee restroom facility is not located in an area where providing access would create  
17 an obvious health or safety risk to the customer or an obvious security risk to the establishment.

18           (c). A retail establishment or an employee of a retail establishment is not civilly liable for an act or  
19 omission in allowing a customer who claims to have an eligible medical condition to use an employee  
20 restroom facility that is not a public restroom if the act or omission is not negligent and occurs in an area  
21 of the retail establishment that is not generally accessible to the public and results in an injury to, or death  
22 of, the customer or individual, other than an employee, accompanying the customer.

23 (d). This section does not require a retail establishment to make any physical changes or improvements to  
24 an employee restroom facility located on the premises.

25 (e). A violation of this section shall for the first offense be punished by a fine of one hundred dollars. A  
26 second or subsequent offense shall not be less than one hundred nor more than two hundred dollars.