

CHAPTER 351

(Senate Bill 413)

AN ACT concerning

Retail Establishments - Toilet Facilities - Use by Customers

FOR the purpose of requiring certain retail establishments that have a toilet facility for employees to permit a customer to use the facility under certain circumstances; defining a certain term; providing immunity from civil liability under certain circumstances; and generally relating to the use of certain toilet facilities by certain individuals in retail establishments.

BE adding to

Article - Health - Environmental  
Section 11-209  
Annotated Code of Maryland  
(1982 Volume and 1986 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Health - Environmental

11-209.

(A) IN THIS SECTION "CUSTOMER" MEANS AN INDIVIDUAL WHO:

(1) SUFFERS FROM CROHN'S DISEASE, ULCERATIVE COLITIS OR ANY OTHER INFLAMMATORY BOWEL DISEASE, OR ANY OTHER MEDICAL CONDITION THAT REQUIRES IMMEDIATE ACCESS TO A TOILET FACILITY; OR

(2) UTILIZES AN OSTOMY DEVICE.

(B) AT THE REQUEST OF A CUSTOMER, AND WHERE A PUBLIC RESTROOM IS NOT READILY AVAILABLE, EACH RETAIL ESTABLISHMENT WITH 20 OR MORE EMPLOYEES THAT HAS A TOILET FACILITY FOR ITS EMPLOYEES SHALL ALLOW THE CUSTOMER TO USE THE FACILITY.

(C) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, AN EMPLOYEE TOILET FACILITY IS NOT TO BE CONSIDERED A PUBLIC RESTROOM.

(D) A RETAIL ESTABLISHMENT AND ANY EMPLOYEE OF A RETAIL ESTABLISHMENT ARE NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IN