

(1987 Replacement Volume and 1988 Supplement)

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

Article - Health - General

24-209.

(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 allowing a customer to use a toilet facility that is not a public toilet facility, if:

(1) The act or omission is not willful or one of gross negligence;

(2) The act or omission occurs in an area of the retail establishment that is not accessible to the public; and

(3) The act or omission results in an injury to or death of the customer or anyone other than an employee accompanying the customer.]

24-210.

(A) IN THIS SECTION, "CUSTOMER" MEANS AN INDIVIDUAL WHO IS LAWFULLY ON THE PREMISES OF A RETAIL ESTABLISHMENT.

(B) A RETAIL ESTABLISHMENT AND ANY EMPLOYEE OF A RETAIL ESTABLISHMENT ARE NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IN ALLOWING A CUSTOMER, INCLUDING A CUSTOMER AS DEFINED IN § 24-209 OF THIS SUBTITLE, TO USE A TOILET FACILITY THAT IS NOT A PUBLIC TOILET FACILITY, IF: