

**Senate File 2038 - Introduced**

SENATE FILE 2038  
BY DANDEKAR

**A BILL FOR**

1 An Act to require retail establishments to make restroom  
2 facilities available to certain members of the public,  
3 providing a penalty, and including effective date  
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 137G.1 Short title.

2 This chapter shall be known and may be cited as the "Restroom  
3 Access Act".

4 Sec. 2. NEW SECTION. 137G.2 Definitions.

5 For purposes of this chapter, the following definitions  
6 apply:

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

9 2. "*Eligible medical condition*" means Crohn's disease,  
10 ulcerative colitis, or any other inflammatory bowel disease;  
11 irritable bowel syndrome; any other medical condition that  
12 requires immediate access to a toilet facility; or a condition  
13 that requires the use of an ostomy device.

14 3. "*Health professional*" means a physician, osteopathic  
15 physician, physician assistant, or advanced registered nurse  
16 practitioner licensed or certified to practice in this state.

17 4. "*Retail establishment*" means a place of business open to  
18 the general public for the sale of goods or services.

19 Sec. 3. NEW SECTION. 137G.3 Customer access to restroom  
20 facilities in retail establishments.

21 A retail establishment that has a toilet facility for its  
22 employees shall allow a customer to use that facility during  
23 normal business hours if the toilet facility is reasonably safe  
24 and all of the following conditions are met:

25 1. The customer requesting the use of the employee toilet  
26 facility suffers from an eligible medical condition and  
27 can provide the retail establishment with evidence of the  
28 customer's eligible medical condition. Such evidence may  
29 include a copy of a statement signed and dated by a health  
30 professional or a person acting under the delegation and  
31 supervision of a health professional that indicates the  
32 customer suffers from an eligible medical condition.

33 2. The retail establishment does not normally make a  
34 restroom available to the public.

35 3. The employee toilet facility is not located in an area

1 where providing access would create an obvious health or safety  
2 risk to the customer or an obvious security risk to the retail  
3 establishment or its employees.

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

6 Sec. 4. NEW SECTION. 137G.4 **Liability.**

7 1. A retail establishment or an employee of a retail  
8 establishment is not civilly liable for any act or omission in  
9 allowing a customer that has an eligible medical condition to  
10 use an employee toilet facility that is not a public restroom  
11 if the act or omission meets all of the following:

12 a. It is not willful or grossly negligent.

13 b. It occurs in an area of the retail establishment that is  
14 not accessible to the public.

15 c. It results in an injury to or death of the customer  
16 or any individual other than an employee accompanying the  
17 customer.

18 2. A retail establishment is not required to make any  
19 physical changes to an employee toilet facility under this  
20 chapter.

21 Sec. 5. NEW SECTION. 137G.5 **Penalty.**

22 A retail establishment or an employee of a retail  
23 establishment that violates this chapter commits a simple  
24 misdemeanor.

25 Sec. 6. **EFFECTIVE UPON ENACTMENT.** This Act, being deemed of  
26 immediate importance, takes effect upon enactment.

27 **EXPLANATION**

28 This bill requires that retail establishments provide  
29 restroom access for certain customers having documented  
30 medical conditions affecting continence. A violation of this  
31 requirement is a simple misdemeanor.

32 The bill takes effect upon enactment.