

**Senate File 2014 - Introduced**

SENATE FILE 2014  
BY DONAHUE

**A BILL FOR**

- 1 An Act creating the restroom emergency access Act, and providing
- 2 civil penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **137H.1 Short title.**

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

4 Sec. 2. NEW SECTION. **137H.2 Definitions.**

5 As used in this chapter unless the context otherwise requires:

6 1. "Consumer" means an individual who is lawfully on the  
7 premises of a retail establishment.

8 2. "Eligible medical condition" means all of the following:

- 9 a. Crohn's disease, ulcerative colitis, or any other  
10 inflammatory bowel disease.  
11 b. Irritable bowel syndrome.  
12 c. Any condition requiring the use of an ostomy device.  
13 d. Any other medical condition that requires immediate access  
14 to an employee restroom facility.

15 3. "Employee restroom facility" means a restroom that is  
16 intended only for use by employees of a retail establishment and  
17 not for use by the public.

18 4. "Health care professional" means an individual licensed  
19 under chapter 148 to practice medicine and surgery or osteopathic  
20 medicine and surgery, a registered nurse or an advanced  
21 registered nurse practitioner licensed under chapter 152 or an  
22 advanced practice registered nurse licensed under chapter 152E,  
23 or a physician assistant licensed to practice under chapter 148C.

24 5. "Ostomy device" means a medical device that creates an  
25 artificial passage for the elimination of body waste.

26 6. "Restroom" means a room containing a toilet.

27 7. "Retail establishment" means a place of business regularly  
28 open to the public in which the retail sale of goods or services  
29 to the ultimate consumer is the principal business conducted,  
30 and includes professional corporations and other entities where  
31 legal, medical, dental, engineering, architectural, or other  
32 professional services are delivered. "Retail establishment" does  
33 not include a residence unless the residence is regularly open to  
34 the public as a place of business.

35 Sec. 3. NEW SECTION. **137H.3 Retail establishment —**

1 **consumer emergency access to employee restroom facilities.**

2 1. A retail establishment that has an employee restroom  
3 facility and does not normally make a restroom available to the  
4 public shall allow a consumer to have emergency access to the  
5 employee restroom facility during normal business hours if the  
6 employee restroom facility is maintained in a reasonably safe  
7 manner and all of the following conditions are met:

8 a. The consumer requesting emergency access to the employee  
9 restroom facility suffers from an eligible medical condition  
10 and provides written documentation pursuant to this chapter  
11 of the consumer's eligible medical condition to the retail  
12 establishment.

13 b. A public restroom is not immediately accessible to the  
14 consumer.

15 c. A sufficient number of employees of the retail  
16 establishment are working so that the consumer accessing  
17 the employee restroom facility does not cause the retail  
18 establishment to cease or significantly curtail normal business  
19 operations.

20 d. The employee restroom facility is located in an area of  
21 the retail establishment that does not present an obvious risk to  
22 the health or safety of the consumer or an obvious security risk  
23 to the retail establishment. For the purposes of this paragraph:

24 (1) "*Obvious risk to the health or safety of the consumer*"  
25 means a situation where accessing the employee restroom facility  
26 requires the consumer to traverse an area where manufacturing or  
27 heavy equipment is in use, items are stored on high shelving,  
28 adequate lighting is not present, the flooring is wet or  
29 slippery, or hazardous materials are used or stored.

30 (2) "*Obvious security risk*" means a situation that exposes  
31 the consumer to sensitive company documents, materials, or trade  
32 secrets.

33 2. This section shall not require a retail establishment to  
34 make any physical changes or improvements to an employee restroom  
35 facility.

1     Sec. 4. NEW SECTION.   **137H.4 Liability.**

2     If an act or omission by a retail establishment or an agent  
3 of a retail establishment, in allowing a consumer access to an  
4 employee restroom facility as required by this chapter, results  
5 in injury or death to the consumer, the retail establishment and  
6 the agent of the retail establishment that allowed the consumer  
7 access are immune from civil liability if the act or omission is  
8 not grossly negligent.

9     Sec. 5. NEW SECTION.   **137H.5 Written documentation of**  
10 **eligible medical condition — rules.**

11     1. All of the following shall be accepted as written  
12 documentation of a consumer's eligible medical condition:

13     a. A copy of a statement signed by a consumer's health  
14 care professional that indicates the consumer has been formally  
15 diagnosed with an eligible medical condition.

16     b. An identification card issued by a nationally recognized  
17 health organization, approved by the department, that indicates  
18 the consumer has been formally diagnosed with an eligible medical  
19 condition.

20     2. The department shall develop a standard electronic form  
21 that may be used by a health care professional to provide the  
22 signed statement as described in subsection 1. The form shall  
23 include a brief description of the consumer's rights under this  
24 chapter and shall be made available to the public electronically.  
25 This subsection shall not be construed to require the department  
26 to distribute printed versions of the form.

27     3. The department shall adopt rules pursuant to chapter 17A  
28 to administer this section.

29     Sec. 6. NEW SECTION.   **137H.6 Violations — penalties.**

30     1. A retail establishment or an employee of a retail  
31 establishment that refuses to provide a consumer emergency access  
32 to an employee restroom facility as required by this chapter is  
33 subject to the penalties specified in this section.

34     2. a. For a first violation of this chapter, the city or  
35 county attorney shall issue a warning letter to the retail

1 establishment and to any employee of the retail establishment  
2 that committed the violation, informing the retail establishment  
3 and the employee of the retail establishment of the requirements  
4 of this chapter.

5 b. A retail establishment or an employee of a retail  
6 establishment that subsequently violates this chapter after  
7 receiving a warning letter pursuant to paragraph "a" is subject  
8 to a civil penalty of two hundred dollars.

9 3. An individual who forges, alters, improperly transfers,  
10 or knowingly possesses and uses forged or altered written  
11 documentation described in section 137H.5 is subject to a civil  
12 penalty of two hundred dollars.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with  
15 the explanation's substance by the members of the general assembly.

16 This bill provides for emergency access to an employee  
17 restroom facility in retail establishments for individuals with  
18 eligible medical conditions.

19 The bill creates the "Restroom Emergency Access Act".

20 The bill defines "eligible medical condition", which includes  
21 Crohn's disease, ulcerative colitis, or any other inflammatory  
22 bowel disease, irritable bowel syndrome, any condition requiring  
23 the use of an ostomy device, and any other medical condition  
24 that requires immediate access to a restroom facility; "employee  
25 restroom facility"; "health care professional"; and "retail  
26 establishment".

27 The bill requires a retail establishment (establishment)  
28 that has an employee restroom facility (employee restroom) and  
29 does not normally make the employee restroom available to the  
30 public to allow a consumer emergency access to the employee  
31 restroom during normal business hours if the employee restroom  
32 is maintained in a reasonably safe manner and certain conditions  
33 as detailed in the bill are met. The bill does not require an  
34 establishment to make any physical changes or improvements to an  
35 employee restroom. If an act or omission of an establishment

1 or an agent of an establishment, in allowing employee restroom  
2 access to a consumer as required under the bill, results in  
3 injury or death to the consumer, the establishment and the agent  
4 of the establishment that allowed the consumer access are immune  
5 from civil liability if the act or omission is not grossly  
6 negligent.

7 The bill provides for types of acceptable written  
8 documentation and directs the department of health and human  
9 services (HHS) to develop a standard electronic form that may  
10 be used by a health care professional to provide an acceptable  
11 signed statement. The bill directs HHS to adopt rules to  
12 administer the bill.

13 An establishment or an employee of an establishment that  
14 refuses to provide a consumer emergency access to an employee  
15 restroom violates the bill. For a first violation, the city or  
16 county attorney shall issue a warning letter to the establishment  
17 and any employee of the establishment that denied emergency  
18 access, informing the establishment and the employee of the  
19 requirements of the bill. For a second or subsequent violation,  
20 the establishment or employee is subject to a civil penalty of  
21 \$200. The bill also provides that an individual who forges,  
22 alters, improperly transfers, or knowingly possesses and uses  
23 forged or altered written documentation is subject to a civil  
24 penalty of \$200.