

**ACT No. 444**

2021 Regular Session

HOUSE BILL NO. 228

BY REPRESENTATIVE CARRIER

1 AN ACT

2 To enact Part XI of Chapter 5-B of the Louisiana Revised Statutes of 1950, to be comprised  
3 of R.S. 40:1123.1 through 1123.4, relative to restroom access for individuals with  
4 certain conditions; to provide definitions; to provide for access to a retail  
5 establishment's employee restroom; to provide for exceptions; to provide for  
6 liability; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Part XI of Chapter 5-B of the Louisiana Revised Statutes of 1950,  
9 comprised of R.S. 40:1123.1 through 1123.4, is hereby enacted to read as follows:

10 PART XI. RESTROOM ACCESS ACT

11 §1123.1. Short title

12 This Part shall be known and may be cited as the "Restroom Access Act".

13 §1123.2. Definitions

14 As used in this Part, the following terms have the following meanings  
15 ascribed to them unless the context clearly indicates otherwise:

16 (1) "Eligible medical condition" means Crohn's disease, ulcerative colitis,  
17 inflammatory bowel disease, irritable bowel disease, or any other medical condition  
18 that requires the use of an ostomy device or immediate access to a restroom.

19 (2) "Ostomy device" means a medical device that creates an artificial  
20 passage for elimination of body waste.

21 (3) "Retail establishment" means any business whether a sole proprietorship,  
22 corporation, partnership, or otherwise that holds or stores articles, products,

1 commodities, items, or components for sale to the public or to other retail  
 2 establishments.

3 §1123.3. Restroom access

4 A. Any retail establishment that has a restroom for employee use, which  
 5 does not permit individuals to access the employee restroom, shall allow an  
 6 individual to use the restroom during normal business hours if the restroom is  
 7 maintained in a reasonably safe manner and all of the following conditions are met:

8 (1) The individual requesting access to the employee restroom presents a  
 9 copy of a written statement, signed, and issued by a healthcare provider on the  
 10 healthcare provider's letterhead or of a facility with which the healthcare provider is  
 11 associated, stating that the individual suffers from an eligible medical condition as  
 12 provided in R.S. 40:1123.2 or utilizes an ostomy device.

13 (2) A public restroom is not immediately accessible to the individual.

14 (3) The employee restroom is located in an area of the retail establishment  
 15 where access would not create an obvious risk to the health or safety of the  
 16 individual or create an obvious security risk to the retail establishment.

17 B. This Section shall not apply to any retail establishment that meets either  
 18 of the following criteria:

19 (1) It sells prescription drugs, if the employee restroom is located in an area  
 20 where the individual may gain access to any prescription drugs.

21 (2) It maintains records or information that is subject to the Health Insurance  
 22 Portability and Accountability Act of 1996, if the employee restroom is located in  
 23 an area where the records or information may be accessed.

24 §1123.4. Liability

25 A. A retail establishment or an employee of a retail establishment shall not  
 26 be liable for any act or omission when an individual is allowed access to an  
 27 employee restroom pursuant to the provisions of this Part, if such act or omission  
 28 meets all of the following requirements:

29 (1) It does not constitute gross, willful, or wanton negligence on the part of  
 30 the retail establishment or an employee of the retail establishment.

1                   (2) It occurs in an area of the retail establishment that is not otherwise  
2                   accessible to the public.

3                   (3) It results in injury or death of the individual other than an employee  
4                   accompanying the individual to the employee restroom.

5                   B. No retail establishment shall be required to make any physical change to  
6                   an employee restroom to effectuate the purposes of this Part.

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

PRESIDENT OF THE SENATE

---

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_