
DIGEST

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HB 228 Engrossed

2021 Regular Session

Carrier

Abstract: Allows access to restrooms of retail establishments to persons with certain conditions.

Proposed law creates the "Restroom Access Act".

Proposed law defines the following terms:

- (1) Eligible medical condition.
- (2) Ostomy device.
- (3) Retail establishment.

Proposed law provides that any retail establishment that has a restroom for its employees and does not permit the public to access the employee restroom shall allow individuals to use the employee restroom during normal business hours if all of the following conditions are met:

- (1) The individual requesting access to the employee restroom presents a copy of a written statement, signed, and issued by a healthcare provider on the healthcare provider's letterhead or of a facility with which the healthcare provider is associated, stating that the individual suffers from an eligible medical condition or utilizes an ostomy device.
- (2) A public restroom is not immediately accessible to the individual.
- (3) The employee restroom is located in an area of the retail establishment where access would not create an obvious risk to the health or safety of the individual or create an obvious security risk to the retail establishment.

Proposed law states that no retail establishment that sells prescription drugs or maintains records of information that is subject to a HIPAA violation, shall allow access if the restroom is located in an area where the prescription drugs or records of information may be easily accessed.

Proposed law stipulates that no retail establishment or employee thereof shall be liable for any act or omission when an individual is allowed access to an employee restroom pursuant to proposed law if all of the following are met:

- (1) Does not constitute gross, willful, or wanton negligence on the part of the retail

establishment or an employee of the retail establishment.

- (2) Occurs in an area of the retail establishment that is not otherwise accessible to the public.
- (3) Results in injury or death of the individual other than an employee accompanying the individual to the employee restroom.

Proposed law provides that no retail establishment shall make any physical change to allow persons access to the employee restroom to comply with proposed law.

(Adds R.S. 40:1123.1-1123.4)